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THE WORKS

OF

FRANCIS BACON,

Lord Chancellor of England.

A NEW EDITION:

BY

BASIL MONTAGU, ESQ.

VOL. XVI.

LONDON:
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MDCCCXXXIV.

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THIS LIFE OF FRANCIS BACON IS INSCRIBED TO THE REVEREND AND LEARNED MARTIN DAVY, D.D. MASTER OF CAIUS COLLEGE,— HENRY RICKERSTETH,—CLEMENT T. SWANSTON, —GEORGE TUTHILL,—AND TO THE MEMORY OF SAMUEL ROMILLY.

B. M.

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PREFACE.

About thirty years ago I read in the Will of Lord Bacon—"For my burial, I desire it may be in St. Michael's Church, St. Albans: there was my mother buried, and it is the parish church of my mansion-house of Gorhambury, and it is the only Christian church within the walls of Old Verulam. For my name and memory, I leave it to men's charitable speeches, to foreign nations and the next ages."

This passage, not to be seen till he was at rest from his labours, impressed me with a feeling of his consciousness of ill usage, and a conviction that the time would arrive when justice would be done to his memory. Sir Philip Sydney says, "I never read the old song of Percy and Douglas, without feeling my heart stirred as by the sound of a trumpet;" and assuredly this voice from the grave was not heard by me with less emotion.

The words were cautiously selected, with the knowledge which he, above all men, possessed of their force and pregnant meaning, and of their certain

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influence, sooner or later, upon the community. (*a*) They spoke to me as loudly of a sense of injury, and of a reliance upon the justice of future ages, as the opening of the Novum Organum speaks with the consciousness of power: (*b*)

FRANCISCUS DE VERULAMIO
SIC COGITAVIT.

There was also something to me truly affecting in the disclosure of tender natural feeling in the short sentence referring to his mother, which, spanning a whole life between the cradle and the grave, seemed to record nothing else worthy of a tribute of affection.

Thus impressed I resolved to discover the real merits of the case.

I found that the subject had always been involved in some mystery. Archbishop Tennison, the admirer of Lord Bacon, and the friend of Dr. Rawley, his domestic chaplain, thus mentions it in the Baconiana: "His lordship owned it under his hand, (*c*) that he was frail, and did partake of the abuses of the times; and surely he was a partaker of their severities also. The great cause of his suffering is to some a secret. I leave them to find it out by his words to King

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(*a*) In a former will (see Baconiana, p. 203) there is the same wish expressed, not in such polished terms. The sentence is, "For my name and memory, I leave it to foreign nations and to mine own countrymen, after some time be passed over."

(*b*) FRANCIS OF VERULAM THOUGHT THUS.

(*c*) In his letter to King James, March 25, 1620, in the Cabala.

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James: (*a*) 'I wish that as I am the first, so I may be the last of sacrifices in your times:' and when, from private appetite, it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed, to make a fire to offer it with."

Dr. Rawley, (*b*) did not, as it seems, think it proper to be more explicit, because he judged "some papers touching matters of estate, to tread too near to the heels of truth and to the times of the persons concerned."

Having read this intimation in the Baconiana, I procured, with some difficulty, a copy of the tract that contains the words to which Archbishop Tennison alludes. It is Bushel's Abridgment of the Lord Chancellor's philosophical theory. (*c*) This work, written by Bushel more than forty years after his master's death, abounding with constant expressions of affection and respect, states that, during a recess of parliament, the King sent for the Chancellor, and ordered him not to resist the charges, as resistance would be injurious to the King and to Buckingham. (*d*) Upon examining the journals of the House of Lords, I found that this interview between the King and the Chancellor was recorded.

Having made this progress, I was informed that there were many of Lord Bacon's letters in the

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(*a*) See Mr. Bushel's extract, p. 19.
(*b*) Baconiana, page 81.
(*c*) See note G G G.
(*d*) See page cccxliv.

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Lambeth Library. I immediately applied to the Archbishop of Canterbury for permission to read and take extracts from them. With this application his Grace, with his usual courtesy and kindness, most readily complied.

In one of the letters there is the following passage in Greek characters:

Οφ μγ οφφενς, φαρ βε ιτ φρομ με το σαγ, δατ νενιαμ κορυις; νεξατ κενσυρα κολυμβας: βυτ ι ωιλλ σαγ θατ ι ανε γοοδ ωαρραντ φορ: θεγ ωερε νοτ θε γρεατεστ οφφενδερς ιν Ισραελ υπον ωηομ θε ωαλλ φελλ. (*a*)

In another letter he says, "And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times." (*b*)

From this ambiguity by a man so capable of expressing himself clearly, and whose favourite maxim was, "Do not inflate plain things into marvels, but reduce marvels to plain things," I was confirmed in the opinion which I had formed. I, therefore, proceeded to collect the evidence.

After great deliberation I arranged all the materials; and, from the chance that I might not live to

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(*a*) Decyphered it is as follows: Of my offence, far be it from me to say, *dat veniam corvis; vexat censura Columbas:* but I will say that I have good warrant for: they were not the greatest offenders in Israel upon whom the wall fell.

(*b*) Letter to the King, May 25, 1620.

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complete the work, I some years since prepared that part which relates to the charge against him, and entrusted it to a friend, that, in the event of my death, my researches might not be lost.

The life is now submitted to public consideration. I cannot conclude without returning my grateful acknowledgments to the many friends to whom I am much indebted:—particularly to Archdeacon Wrangham, with the feeling of more than forty years' uninterrupted friendship;—to my intelligent friend, B. Heywood Bright, for his important co-operation and valuable communication from the Tanner Manuscripts;—to my dear friend, William Wood, for his encouragement during the progress of the work, and for his admirable translation of the Novum Organum. How impossible is it for me to express my obligations to the sweet taste of her to whom I am indebted for every blessing of my life!

I am well aware of the many faults with which the work abounds, and particularly of the occasional repetitions. I must trust to the lenient sentence of my reader, after he has been informed that it was not pursued in the undisturbed quiet of literary leisure, but in the few hours which could be rescued from arduous professional duties; not carefully composed by a student in his pensive citadel, but by a daily "delver in the laborious mine of the law," where the vexed printer frequently waited till the impatient client was dispatched; and that, to publish it as it is, I have been compelled to forego many advantages; to relinquish many of the enjoyments of social life, and to sacrifice not only the society, but even the

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correspondence of friends very dear to me. I ask, and I am sure I shall not ask in vain, for their forgiveness. One friend the grave has closed over, who cheered me in my task when I was weary, and better able, from his rich and comprehensive mind, to detect errors than any man, was always more happy to encourage and to commend. Wise as the serpent, gall-less as the dove, pious and pure of heart, tender, affectionate and forgiving, this and more than this I can say, after the trial of forty years, was my friend and instructor, Samuel Taylor Coleridge.

I am now to quit for ever a work upon which I have so long and so happily been engaged. I must separate from my companion, my familiar friend, with whom, for more than thirty years, I have taken sweet counsel. With a deep feeling of humility I think of the conclusion of my labours; but I think of it with that satisfaction ever attendant upon the hope of being an instrument of good. "Power to do good is the true and lawful end of aspiring. Merit and good works is the end of man's motion, and conscience of the same is the accomplishment of man's rest; for, if man can be a partaker of God's theatre, he will be a partaker of God's rest." (*a*)

I please myself with the hope that I may induce some young man, who, at his entrance into life, is anxious to do justice to his powers, to enjoy that "*suavissima vita indies sentire se fieri meliorem,*" to look into the works of our illustrious countryman. I venture also to hope that, in these times of inquiry,

(*a*) Essay on Great Place.

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the works of this philosopher may, without interfering with academical studies, be deemed deserving the consideration of our universities, framed, as they so wisely are, for the diffusion of the knowledge of our predecessors. Perhaps some opulent member of the university, when considering how he may extend to future times the blessings which he has enjoyed in his pilgrimage, may think that in the University of Cambridge, a Verulamian Professorship might be productive of good:—but these expectations may be the illusions of a lover; and it is not given to man to love and to be wise.—There are, however, pleasures of which nothing can bereave me; the consciousness that I have endeavoured to render some assistance to science and to the profession, the noble intellectual profession of which I am a member. How deeply, how gratefully do I feel; with what a lofty spirit and sweet content do I think of the constant kindness of my many, many friends.

And now, for the last time, I use the words of Lord Bacon, "Being at some pause, looking back into that I have passed through, this writing seemeth to me, 'si nunquam fallit imago,' as far as a man can judge of his own work, not much better than the noise or sound which musicians make while they are tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards: so have I been content to tune the instruments of the muses, that they may play that have better hands."

To posterity and distant ages Bacon bequeathed his good name, and posterity and distant ages will

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do him ample justice. Wisdom herself has suffered in his disgrace, but year after year brings to light proof of the arts that worked Bacon's downfall, and covered his character with obloquy. He will find some future historian who, assisted by the patient labours of the present editor, with all his zeal and ten-fold his ability; with power equal to the work and leisure to pursue it, will dig the statue from the rubbish which may yet deface it; and, obliterating one by one the paltry libels scrawled upon its base, will place it, to the honour of true science, in a temple worthy of his greatness.

B. MONTAGU.

November 17, 1834.

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LIFE OF BACON.

CHAPTER I.

FROM HIS BIRTH TILL THE DEATH OF HIS FATHER.

1560 to 1580.

FRANCIS BACON was born at York-House,(*a*) in the Strand, on the 22nd of January, 1560. He was the youngest son of Sir Nicholas Bacon, and of Anne, a daughter of the learned and contemplative Sir Anthony Cooke, tutor to King Edward the Sixth. (*b*) 1560-1. His birth.

Of Sir Nicholas, it has been said, that he was a man full of wit and wisdom, a learned lawyer, and a true gentleman; of a mind the most comprehensive to surround the merits of a cause; of a memory to recollect its least circumstance;* of the deepest search into affairs of any man at the council table, and of a personal dignity so well suited to his other excellencies, that his royal mistress was wont to say, "My Lord keeper's soul is well lodged."(*c*)

He was still more fortunate in the rare qualities of his mother,(*d*) for Sir Anthony Cooke, acting upon his favorite

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(*a*) See note A at the end.

(*b*) See note B at the end.

* "He who cannot contract his sight as well as dilate it, wanteth a great faculty;" says Lord Bacon.

(*c*) See note C at the end.

(*d*) See note D at the end.

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opinion then very prevalent,(e) that women were as capable of learning as men, carefully instructed his daughters every evening, in the lessons which he had taught the King during the day; and amply were his labors rewarded; for he lived to see all his daughters happily married; and Lady Anne distinguished, not only for her conjugal and maternal virtues, but renowned(a) as an excellent scholar, and the translator, from the Italian, of various sermons of Ochinus, a learned divine; and, from the Latin, of Bishop Jewel's Apologia, recommended by Archbishop Parker for general use.(b)

It was his good fortune not only to be born of such parents, but also at that happy time " when learning(c) had made her third circuit; when the art of printing gave books with a liberal hand to men of all fortunes; when the nation had emerged from the dark superstitions of popery; when peace, throughout all Europe, permitted the enjoyment of foreign travel and free ingress to foreign scholars; and, above all, when a Sovereign of the highest intellectual attainments, at the same time that she encouraged learning and learned men, gave an impulse to the arts, and a chivalric and refined tone to the manners of the people.

(e) See note E at the end.

(a) She translated from the Italian fourteen sermons concerning the predestination and election of God, without date, 8vo. See Watt's Bibliotheca Britannica. Title, Ochinus and Anne Cooke.—N.B. There is a publication entitled, " Sermons to the number of twenty-five, concerning the Predestination." London: Printed by J. Day, without date, 8vo.—Query, If by Lady Bacon.

(b) Ochinus Barnardin, an Italian monk of extraordinary merit, born at Sienna 1487. Died 1594. Watts (S.A.) Jewel's Apologia translated by Anne Bacon 1600, 1606, 1609, Fol. 1626, 12mo. 1685, 1719, 8vo. See Watts Tit. " Jewel."

(c) See Bacon's beautiful conclusion of Civil Knowledge in the advancement of learning, which is in vol. 2. page 297 of this edition.

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Bacon's health was always delicate, and his temperament was of such sensibility, as to be affected, even to fainting, by very slight alterations in the atmosphere; a constitutional infirmity which seems to have attended him through life.(*g*)

While he was yet a child, the signs of Genius, for which he was in after life distinguished, could not have escaped the notice of his intelligent parents. They must have been conscious of his extraordinary powers, and of their responsibility that, upon the right direction of his mind, his future eminence, whether as a statesman or as a philosopher, almost wholly depended.

He was cradled in politics; he was not only the son of the Lord Keeper, but the nephew of Lord Burleigh. He had lived from his infancy amidst the nobility of the reign of Elizabeth, who was herself delighted, even in his childhood, to converse with him, and to prove him with questions, which he answered with a maturity above his years, and with such gravity that the Queen would often call him her young Lord Keeper.(*h*) Upon the Queen's asking him, when a child, how old he was, he answered, "two years younger than your majesty's happy reign."

But there were dawnings of genius of a much higher nature.(*x*) When a boy, while his companions were diverting themselves near to his father's house in St. James's Park, he stole to the brick conduit to discover the cause of a singular echo;(*c*) and, in his twelfth

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(*g*) See note G at the end.

(*h*) See note H at the end.

(*x*) See Paradise Regained, B. I. "When I was yet a child," &c.—See Burns: "I saw thee seek the sounding shore," &c.—See Beattie's Minstrel; "Baubles he heeded not," &c.

(*c*) The laws of sound were always a subject of his thoughts. In the third century of the Sylva, he says, "we have laboured, as may appear, in this

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year, he was meditating upon the laws of the imagination.(t)

1573. Æt. 13. The university. At the early age of thirteen, it was resolved to send him to Cambridge, of which university, he, with his brother Anthony, was matriculated as a member, on the 10th of

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inquisition of sounds diligently; both because sound is one of the most hidden portions of nature, and because it is a virtue which may be called incorporeal and immateriate, whereof there be in nature but few."

As one of the facts, he says in his Sylva Sylvarum, (Art. 140.) "There is in St. James's fields a conduit of brick, unto which joineth a low vault; and at the end of that a round house of stone; and in the brick conduit there is a window; and in the round house a slit or rift of some little breadth: if you cry out in the rift, it will make a fearful roaring at the window. The cause is, for that all concaves, that proceed from more narrow to more broad, do amplify the sound at the coming out."

(t) In the tenth century of the Sylva, after having enumerated many of the idle imaginations by which the world then was, and, more or less, always will be, misled, he says, "With these vast and bottomless follies men have been in part entertained. But we, that hold firm to the works of God, and to the sense, which is God's lamp, lucerna Dei spiraculum hominis, will inquire with all sobriety and severity, whether there be to be found in the footsteps of nature, any such transmission and influx of immateriate virtues; and what the force of imagination is, either upon the body imaginant, or upon another body.

He then proceeds to state the different kinds of the power of imagination, saying it is in three kinds: the first, upon the body of the imaginant, including likewise the child in the mother's womb; the second is, the power of it upon dead bodies, as plants, wood, stone, metal, &c.; the third is, the power of it upon the spirits of men and living creatures; and with this last we will only meddle.

The problem therefore is, whether a man constantly and strongly believing that such a thing shall be; as that such a one will love him; or that such a one will grant him his request; or that such a one shall recover a sickness, or the like, it doth help any thing to the effecting of the thing itself.

In the solution of this problem he, according to his custom, enumerates a variety of instances, and, amongst others, the following fact, which occurred to him when a child, for he left his father's house when he was thirteen.

For example, he says, I related one time to a man, that was curious and

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June, 1573.(k) They were both admitted of Trinity College, under the care of Dr. John Whitgift,(c) a friend of the Lord Keeper's, then master of the college, afterwards Archbishop of Canterbury, and distinguished through life, not only for his piety, but for his great learning, and unwearied exertions to promote the public good.

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vain enough in these things; that I saw a kind of juggler, that had a pair of cards, and would tell a man what card he thought. This pretended learned man told me, it was a mistaking in me; for (said he) it was not the knowledge of the man's thought, (for that is proper to God,) but it was the inforcing of a thought upon him, and binding his imagination by a stronger, that he could think no other card. And thereupon he asked me a question or two, which I thought he did but cunningly, knowing before what used to be the feats of the juggler. Sir, (said he), do you remember whether he told the card the man thought himself, or bade another to tell it. I answered, (as was true), that he bade another tell it. Whereunto he said, so I thought; for (said he) himself could not have put on so strong an imagination, but by telling the other the card, (who believed that the juggler was some strange man, and could do strange things,) that other man caught a strong imagination. I hearkened unto him, thinking for a vanity he spoke prettily. Then he asked me another question: saith he, do you remember whether he bade the man think the card first, and afterwards told the other man in his ear, what he should think, or else that he did whisper first in the man's ear, that should tell the card, telling that such a man should think such a card, and after bade the man think a card; I told him, as was true; that he did first whisper the man in the ear, that such a man should think such a card; upon this the learned man did much exult, and please himself, saying, lo, you may see that my opinion is right; for if the man had thought first, his thought had been fixed; but the other imagining first, bound his thought. Which though it did somewhat sink with me, yet I made lighter than I thought, and said, I thought it was confederacy between the juggler and the two servants; though (indeed) I had no reason so to think; for they were both my father's servants; and he had never played in the house before.

(k) An. 1573. Jun. 10. Antonius Bacon Coll. Trin. Convict. i. admissus in matriculam acad. Cantabr.

Franciscus Bacon Coll. Trin. Convict. i. admissus in matriculam academiae Cantabr. eodem die & anno. (Reg^{r} Acad.)

(c) See the Biog. Brit. In 1565, Whitgift so distinguished himself in the pulpit, that the Lord Keeper recommended him to the queen.

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What must have passed in his youthful, thoughtful, ardent mind, at this eventful moment, when he first quitted his father's house to engage in active life? What must have been his feelings when he approached the university, and saw, in the distance, the lofty spires, and towers, and venerable walls, raised by intellect and piety "and hallowed by the shrines where the works of the mighty dead are preserved and reposed, (*a*) and by the labours of the mighty living, with joint forces directing their strength against Nature herself, to take her high towers, and dismantle her fortified holds, and thus enlarge the borders of man's dominion, so far as Almighty God of his goodness shall permit?"(*b*)

"As water," he says, "whether it be the dew of heaven, or the springs of the earth, doth scatter and lose itself in the ground, except it be collected into some receptacle, where it may by union comfort and sustain itself, and for that cause the industry of man hath made and framed spring-

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(*a*) But the works touching *Books* are chiefly two: first, *Libraries*, wherein, as in famous shrines, the reliques of the ancient saints, full of virtue, are reposed. Secondly, *New Editions of Authors, with corrected impressions; more faithful Translations, more profitable glosses, more diligent annotations;* with the like train furnished and adorned.

In a letter to Sir Thomas Bodley, he says, "and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning. For books are the shrines where the saint is, or is believed to be. And you, having built an ark to save learning from deluge, deserve propriety in any new instrument or engine, whereby learning should be improved or advanced."—*Steph.* 19.

(*b*) Nor doth our trumpet summon, and encourage men to tear and rend one another with contradictions; and in a civil rage to bear arms, and wage war against themselves; but rather, a peace concluded between them, they may with joint forces direct their strength against Nature herself; and take her high towers, and dismantle her fortified holds; and thus enlarge the borders of man's dominion, so far as Almighty God of his goodness shall permit. Adv. Learn.

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heads, conduits, cisterns, and pools, which men have accustomed likewise to beautify and adorn with accomplishments of magnificence and state, as well as of use and necessity; so this excellent liquor of knowledge, whether it descend from divine inspiration, or spring from human sense, would soon perish and vanish to oblivion, if it were not preserved in books, traditions, conferences, and places appointed; as universities, colleges, and schools, for the receipt and comforting of the same. All tending to quietness and privateness of life, and discharge of cares and troubles; much like the stations which Virgil prescribeth for the hiving of bees:

> Principio sedes apibus statioque petenda,
> Quo neque sit ventis aditus, etc.

Such were his imaginations of the tranquillity and occupations in our universities.

He could not long have resided in Cambridge before he must have discovered his erroneous notions of the mighty living, and of the pursuits in which they were engaged. Instead of students ready at all times to acquire any sort of knowledge, he found himself "amidst men of sharp and strong wits, and abundance of leisure, and small variety of reading, their wits being shut up in the cells of a few authors, chiefly Aristotle their dictator, as their persons were shut up in the cells of monasteries and colleges; and knowing little history, either of nature or time, did, out of no great quantity of matter, and infinite agitation of wit, spin cobwebs of learning, admirable for the fineness of thread and work, but of no substance or profit."(*a*)

(*a*) See the Advancement of Learning, under Contentious Learning. See Gibbon's Memoirs. See vol. viii. London Magazine, page 509. Let him who is fond of indulging in a dream-like existence go to Oxford, and stay there; let him study this magnificent spectacle, the same under all aspects, with its mental twilight tempering the glare of noontide, or mel-

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Instead of the University being formed for the discovery of truths, he saw that its object was merely to preserve and diffuse the knowledge of our predecessors: instead o general inquiry, he found that all studies were confined t Aristotle, who was considered infallible in philosophy, Dictator to command, not a Consul to advise;* the lecture both in private in the colleges, and in public in the school being but expositions of his text, and comments upon h opinions, held as authentic as if they had been given und the seal of the Pope.(*a*) Their infallibility, however, he w not disposed to acknowledge. Whilst in the university l formed his dislike of the philosophy of Aristotle, not for t worthlessness of the author, to whose gigantic intellect ever ascribed all high attributes, but for the unfruitfuln of his method, being a philosophy, as he was wont to s strong for disputations and contentions,(*b*) but barren the production of works for the benefit and use of m which, according to Bacon's opinion, is the only test of purity of our motives for acquiring knowledge and of value of knowledge when acquired; "Men," he says, "h entered into a desire of knowledge sometimes from a nat curiosity and inquisitive appetite; sometimes to enter their minds with variety and delight; sometimes ornament and reputation; sometimes to enable then victory of wit and contradiction, and most times for l and profession; and seldom sincerely to give a true acc

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lowing the shadowy moonlight; let him wander in her sylvan subur linger in her cloistered halls; but let him not catch the din of schol teachers, or dine or sup with them, or speak a word to any of the priv inhabitants; for if he does, the spell will be broken, the poetry a religion gone, and the palace of enchantment will melt from his er into thin air.

* See Advancement of Learning, under Credulity, vol. ii. of this e p. 43.

(*a*) Tennison (*b*) Rawley—Tennison.

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of their gift of reason, for the benefit and use of man:—as if there were sought in knowledge a couch whereupon to rest a searching and restless spirit; or a terrace for a wandering and variable mind to walk up and down, with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop for profit and sale; and not a rich store-house for the glory of the Creator and the relief of man's estate."

It was not likely that, with such sentiments he would meet with much sympathy in the university. It was still less probable that the antipathy by which he was opposed would check the ardour of his powerful mind. He went right onward in his course, unmoved by the disapprobation of men who turned from enquiries which they neither encouraged nor understood: and, seeing through the mists, by a light refracted from below the horizon, that knowledge must be raised on other foundations, and built with other materials than had been used through a long tract of many centuries, he continued his enquiries into the laws of nature,(*a*) and planned his immortal work upon which he laboured during the greater part of his life,(*b*) and ultimately published when he was Chancellor, saying, "I have held up a light in the obscurity of Philosophy; which will be seen centuries after I am dead."(*c*)

(*a*) I remember in Trinity College in Cambridge, there was an upper chamber, which being thought weak in the roof of it, was supported by a pillar of iron of the bigness of one's arm in the midst of the chamber; which if you had struck, it would make a little flat noise in the room where it was struck, but it would make a great bomb in the chamber beneath.—Sylva.

(*b*) See note I at end.

(*c*) See the dedication of the Novum Organum to the king. "Mortuus fortasse id effecero, ut illa posteritati, novâ hac accensâ face in philosophiæ tenebris, perlucere possint.

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1575. Æt. 15. After two years residence he quitted the university with the conviction not only that these seminaries of learning were stagnant, but that they were opposed to the advancement of knowledge. "In the universities," he says, "they learn nothing but to believe: first, to believe that others know that which they know not; and after, themselves know that which they know not. They are like a becalmed ship; they never move but by the wind of other men's breath, and have no oars of their own to steer withal:" (d) and in his Novum Organum, which he published when he was Chancellor, he repeats what he had said when a boy. "In the universities, all things are found opposite to the advancement of the sciences; for the readings and exercises are here so managed that it cannot easily come into any one's mind to think of things out of the common road: or if, here and there, one should venture to use liberty of judging, he can only impose the task upon himself without obtaining assistance from his fellows; and if he could dispense with this, he will still find his industry and resolution a great hinderance to his fortune. For the studies of men in such places are confined, as it were pinned down to the writings of certain authors; from which if any man happens to differ, he is presently reprehended as a disturber and innovator." (e)

Whether the intellectual gladiatorship by which students in the universities of England are now stimulated then prevailed, does not appear, but his dislike of it for a motive he early and always avowed. "It is," he says, "an unavoidable decree with us ever to retain our natural candour and simplicity, and not attempt a passage to truth under the conduct of vanity; for, seeking real nature

(d) See the tract in Praise of Knowledge, vol. i. of this edition, page

(e) Ax. 90. Lib. i.

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all her fruits about her, we should think it a betraying of our trust to infect such a subject either with an ambitious, an ignorant, or any other faulty manner of treating it." (*a*)

Some years after Bacon had quitted Cambridge, he published his opinions upon the defects of universities; (*b*) in which, after having warned the community that, as colleges are established for the communication of the knowledge of our predecessors, there should be a college appropriated to the discovery of new truths, a living spring to mix with the stagnant waters, (*c*) "Let it," he says, "be remembered that there is not any collegiate education of statesmen, and that this has not only a malign influence upon the growth of sciences, but is prejudicial to states and governments, and is the reason why princes find a solitude in regard of able men to serve them in causes of state." (*d*)

(*a*) See the chapter on Vanity, in the admirable work, "Search's Light of Nature:" where the distinction between the Love of Excelling and the Love of Excellence as a motive for acquiring knowledge is fully explained.

(*b*) See note K at the end.

(*c*) See the sixth defect of universities, in Note M at the end, where he says, the "serpent of Moses should devour the serpents of the enchanters."

(*d*) Bacon says, first, therefore, amongst so many great foundations of colleges in Europe, I find strange that they are all dedicated to professions, and none left free to arts and sciences at large. And this I take to be a great cause, that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it. Neither is it to be forgotten, that this dedicating of foundations and dotations to professory learning, hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudicial to states and governments. For hence it proceedeth that princes find a solitude in regard of able men to serve them in causes of state, because there is no education collegiate which is free, where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of state. See Note L at the end. This truth, confirmed

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These warnings seem to have been disregarded, and the art of governing, not a ship, which would not be attempted without a knowledge of navigation, but the ship of the state, is entrusted, not to a knowledge of the principles of human nature, but to the knowledge of Latin and Greek and verbal criticisms upon the dead languages. (*x*)

And what has been the result? During the last two centuries one class of statesmen has resisted all improvement, and their opponents have been hurried into intemperate alterations: whilst philosophy, lamenting these contentions, has, instead of advancing the science of government, been occupied in counteracting laws founded upon erroneous principles; Erroneous commercial laws; Erroneous laws against civil and religious liberty; and Erroneous criminal laws. (*x*)

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by daily experience, was, fifty years after his death, repeated by Milton, who indignantly says, "when young men quit the university for the trade of law, they ground their purposes, not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions and flowing fees: and, if they quit it for state affairs, they betake themselves to this trust with souls so unprincipled in virtue and true generous breeding, that flattery and court-shifts and tyrannous aphorisms appear to them the highest points of wisdom." After having prescribed the proper order of education, he adds, The next removal must be to the study of politics; to know the beginning, end, and reasons of political societies; that they may not in a dangerous fit of the commonwealth be such poor, shaken, uncertain reeds, of such a tottering conscience, as many of our great counsellors have lately shown themselves, but steadfast pillars of the state. After this they are to drive into the grounds of law and legal justice, delivered first, and with best warrant to Moses, and as far as human prudence can be trusted, in those extolled remains of Grecian lawgivers, Lycurgus, Solon, &c. and thence to all the Roman edicts and tables with their Justinian; and so to the Saxon laws of England. Milton. Education, vol. i. p. 270.

(*x*) "Such," says Milton, "are the errors, such the fruits of mispending our prime youth at schools and universities as we do, either in learning mere words, or such things chiefly as were better unlearned. See his Tract on Education.

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So deeply was Bacon impressed with the magnitude of this evil, that, by his will he endowed two lectures in either of the universities, by "a lecturer, whether stranger or English, provided he is not professed in divinity, law, or physic."(*m*)

The subject of universities, and the importance to the community and to the advancement of science, that the spring should not be poisoned or polluted, was ever present to his mind,—and, in the decline of his life, he prepared the plan of a college for the knowledge of the works and creations of God, "from the cedar of Libanus to the moss that groweth out of the wall:" but the plan was framed upon a model so vast, that, without the purse of a prince and the assistance of a people, all attempts to realize it must be vain and hopeless. Some conception of his gorgeous mind in the formation of this college, may appear even at the entrance. Atlantis.

"We have (he says,) two very long and fair galleries: in one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that discovered the West Indies; also the inventor of ships; your monk that was the inventor of ordnance and of gunpowder; the inventor of music; the inventor of letters; the inventor of printing; the inventor of observations of astronomy; the inventor of works in metal; the inventor of glass; the inventor of silk of the worm; the inventor of wine; the inventor of corn and bread; the inventor of sugars; and all these by more certain tradition than you have. Upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These

(*m*) See note M at the end.

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statues are some of brass; some of marble and touchstone; some of cedar and other special woods gilt and adorned; some of iron; some of silver; some of gold." (*m*)

Such is the splendour of the portico, or ante-room. Passing beyond it, every thing is to be found which imagination can conceive or reason suggest. (*n*)

(*m*) This entrance to Bacon's college always forces itself on my mind, when I visit the University Library of Cambridge: in which I see the portrait of Mr. Thomas Nicholson, known by the name of Maps, the proprietor of a circulating library, a laborious pioneer in literature. Under his feet are some relics from classic ground, more valuable, perhaps, for their antiquity than for their beauty. Delightful as is the love of antiquity, this artificial retrospective extension of our existence (see Shakespeare's Sonnet 123), might it not be adoned, in the present times, by casts from the Elgin marbles, of which the cost does not exceed £200. By one of the universities (I think it is of Dublin) these casts have been procured. Let any parent of the mind, who considers the various modes by which the heart of a nation is formed (which is beautifully described in Ramsden's sermon on the Cessation of Hostilities), look in Boydell's Shakespeare, at Barry's Cordelia, to be found, most probably, in the Fitzwilliam collection: and let him compare it with the magnificent affecting fainting female in the Elgin marbles, and he will see the benefit which would result from the university containing these valuable relics.

(*n*) We have large and deep caves of several depths: the deepest are sunk six hundred fathom, and some of them are digged and made under great hills and mountains; so that if you reckon together the depth of the hill and the depth of the cave, they are (some of them) above three miles deep: these caves we call the lower region, and we use them for all coagulations, indurations, refrigerations, and conservations of bodies. We use them likewise for the imitation of natural mines, and the producing also of new artificial metals., by compositions and materials.

We have high towers, the highest about half a mile in height, and some of them likewise set upon high mountains, so that the vantage of the hill with the tower is in the highest of them three miles at least. And these places we call the upper region. We use these towers, according to their several heights and situations, for insolation, refrigeration, conservation, and for the view of divers meteors, as winds, rain, snow, hail, and some of the fiery meteors.

We have great lakes, both salt and fresh; whereof we have use for the fish and fowl. We use them also for burials of some natural bodies: for we

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After having enumerated all the instruments of knowledge, "Such," he says, "is a relation of the true state of Solomon's house, the end of which foundation is the knowledge of causes, and secret motions of things; and the

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find a difference in things buried in earth, or in air below the earth; and things buried in water. We have also some rocks in the midst of the sea; and some bays upon the shore for some works, wherein is required the air and vapour of the sea. We have likewise violent streams and cataracts, which serve us for many motions: and likewise engines for multiplying and enforcing of winds, to set also on going divers motions.

We have also a number of artificial wells and fountains, made in imitation of the natural sources and baths; as tincted upon vitriol, sulphur, steel, brass, lead, nitre, and other minerals.

We have also great and spacious houses, where we imitate and demonstrate meteors, as snow, hail, rain, some artificial rains of bodies, and not of water, thunders, lightnings.

We have also certain chambers, which we call chambers of health, where we qualify the air as we think good and proper for the cure of divers diseases, and preservation of health. We have also fair and large baths of several mixtures, for the cure of diseases.

We have also large and various orchards and gardens; wherein we do not so much respect beauty, as variety of ground and soil, proper for divers trees and herbs: and some very spacious, where trees and berries are set, whereof we make divers kinds of drinks, besides the vineyards. In these we practise likewise all conclusions of grafting and inoculating, as well of wild trees as fruit-trees, which produceth many effects.

We have also furnaces of great diversities, and that keep great diversity of heats, fierce and quick, strong and constant, soft and mild, blown, quiet, dry, moist, and the like. But above all we have heats, in imitation of the sun's and heavenly bodies heats, that pass divers inequalities, and (as it were) orbs, progresses and returns, whereby we may produce admirable effects.

We procure means of seeing objects afar off, as in the heaven, and remote places; and represent things near as afar off, and things afar off as near, making feigned distances. We have also helps for the sight, far above spectacles and glasses.

We have also parks and enclosures of all sorts of beasts and birds; which we use not only for view or rareness, but likewise for dissections and trials, that thereby we may take light what may be wrought upon the body of man.

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enlarging of the bounds of human empire, to the effecting of all things possible."(*n*)

In these glorious inventions of one rich mind, may be traced much of what has been effected in science and mechanics, since Bacon's death, and more that will be effected during the next two centuries.

1576. Æt. 16. France. After three years residence in the university, his father sent him, at the age of sixteen, to Paris, under the care of Sir Amias Paulett, the English ambassador at that court:(*a*) by whom, soon after his arrival, he was entrusted with a mission to the queen, requiring both secrecy and dispatch: which he executed with such ability as to gain the approbation of the queen, and justify Sir Amias in the choice of his youthful messenger.

From the confidence thus reposed in him, and from the

We have also particular pools where we make trials upon fishes, as we have said before of beasts and birds.

We have also places for breed and generation of those kinds of worms and flies which are of special use, such as are with you your silk-worms and bees.

We have also precious stones of all kinds, many of them of great beauty and unknown; crystals and glasses of divers kinds. We represent also ordnance and instruments of war, and engines of all kinds; and likewise new mixtures and compositions of gunpowder, wild-fires burning in water and unquenchable; also fire-works of all variety, both for pleasure and use. We imitate also flights of birds; we have some degrees of flying in the air; we have ships and boats for going under water, and brooking of seas; also swimming girdles and supporters.

We have also sound houses, where we practise and demonstrate all sounds, and their generation. We have harmonies which you have not, of quarter sounds, and lesser slides of sounds. Divers instruments of music, likewise to you unknown, some sweeter than any you have; with bells and rings that are dainty and sweet.

We have also a mathematical house, where are all instruments, as well of geometry as astronomy, exquisitely made. We have also houses of deceits of the senses, &c. &c.

(*n*) See Note N at the end, for an account of the New Atlantis.

(*a*) Rawley, see note O at the end.

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impression made upon all with whom he conversed, upon men of letters, with whom he contracted lasting friendships, upon grave statesmen and learned philosophers, it was manifest that the promise in his infancy of excellence, whether for active or for contemplative life, seemed beyond the most sanguine expectation to be realized. (*a*)

After the appointment of Sir Amias Paulett's successor, Bacon travelled into the French provinces, and spent some time at Poictiers. He prepared a work upon Cyphers, (*b*) which he afterwards published, with an outline of the state of Europe, (*c*) but the laws of sound and of imagination continued to occupy his thoughts. (*z*)

(*a*) It is a fact not unworthy of notice, that an eminent artist, to whom, when in Paris, he sat for his portrait, was so conscious of his inability to do justice to his extraordinary intellectual endowments, that he has written on the side of his picture: Si tabula daretur digna animum mallem.—See the last note in the Notes to this Life.

(*b*) In the Augmentis Scientiarum, Lib. vi. speaking of Cyphers, he says, Ut verò suspicio omnis absit, aliud inventum subjiciemus, quod certè cùm adolescentuli essemus Parisiis excogitavimus, nec etiam adhuc visa nobis res digna est quæ pereat. Watts' English Translation of this part is as follows: But that jealousies may be taken away, we will annex another invention, which, in truth, we devised in our youth, when we were at Paris: and is a thing that yet seemeth to us not worthy to be lost. It containeth the highest degree of cypher, which is to signify omnia per omnia, yet so, as the writing infolding, may bear a quintuple proportion to the writing infolded; no other condition or restriction whatsoever is required. See p. 314, of vol. viii. of this edition.

(*c*) See note Q at the end.

(*z*) His meditations were both upon natural science and human sciences, as will appear from the following facts.

In his history of life and death, speaking of the differences between youth and old age, and having enumerated many of them, he proceeds thus: When I was a young man at Poictiers in France, I familiarly conversed with a young gentleman of that country, who was extremely ingenious, but somewhat talkative; he afterwards became a person of great eminence. This gentleman used to inveigh against the manners of old people, and would say, that if one could see their minds as well as their bodies, their minds would appear as deformed as their bodies; and indulging his own

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1579. Æt. 19. **Whilst he was engaged in these meditations his father died suddenly, on the 20th February, 1579. He instantly returned to England.**

humour, he pretended, that the defects of old men's minds, in some measure corresponded to the defects of their bodies. Thus dryness of the skin, he said, was answered by impudence; hardness of the viscera, by relentlessness; blear-eyes, by envy; and an evil eye, their down look, and incurvation of the body, by atheism, as no longer, says he, looking up to heaven; the trembling and shaking of the limbs, by unsteadiness and inconstancy; the bending of their fingers as to lay hold of something, by rapacity and avarice; the weakness of their knees, by fearfulness; their wrinkles, by indirect dealings and cunning, &c.*

And again, for echoes upon echoes, there is a rare instance thereof in a place which I will now exactly describe. It is some three or four miles from Paris, near a town called Pont-Charenton; and some bird-bolt shot or more from the river of Sein. The room is a chapel or small church. The walls all standing, both at the sides and at the ends. Speaking at the one end, I did hear it return the voice thirteen several times. (*a*)

There are certain letters that an echo will hardly express; as S for one, especially being principal in a word. I remember well, that when I went to the echo at Pont-Charenton, there was an old Parisian, that took it to be work of spirits, and of good spirits. For, said he, call "Satan," and the echo will not deliver back the devil's name; but will say, "va t'en;" which is as much in French as "apage," or avoid. And thereby I did hap to find, that an echo would not return an S, being but a hissing and an interior sound. (*b*)

So too the nature of imagination continued to interest him. In the Sylva, art. 986, (*c*) he says, the relations touching the force of imagination and the secret instincts of nature are so uncertain, as they require a great deal of examination ere we conclude upon them. I would have it first throughly inquired, whether there be any secret passages of sympathy between persons of near blood; as parents, children, brothers, sisters, nurse-children, husbands, wives, &c. There be many reports in history, that upon the death of persons of such nearness, men have had an inward feeling of it. I myself remember, that being in Paris, and my father dying in London, two or three days before my father's death I had a dream, which I told to divers English gentlemen, that my father's house in the country was plastered all over with black mortar.

* See vol. xiv. of this ed. p. 408.

(*a*) Sylva, art. 249, vol. iv. of this edition, p. 128.

(*b*) Sylva, art. 251, vol. iv. of this edition, p. 129.

(*c*) Vol. iv. of this edition, p. 528.

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CHAPTER II.

FROM THE DEATH OF HIS FATHER TILL HE ENGAGED IN ACTIVE LIFE. 1580 to 1590.

DISCOVERING, upon his arrival in England, that, by the sudden death of his father, he was left without a sufficient provision to justify him in devoting his life to contemplation,(a) it became necessary for him to select some pursuit for his support, "to think how to live, instead of living only to think."(c) 1580. Æt. 20.

Law and Politics were the two roads open before him; in both his family had attained opulence and honor. Law, the dry and thorny study of law, had but little attraction for his discursive and imaginative mind. With the hope, therefore, that, under the protection of his political friends, and the Queen's remembrance of his father, and notice of him when a child, he might escape from the mental slavery of delving in this laborious profession, he made a great effort to secure some small competence, by applying to Lord Burleigh to recommend him to the queen, and interceding with Lady Burleigh to urge his suit with his uncle.(d)

(a) Rawley Biog. Brit.

(c) This is an expression of his own, I forget where.

(d) My singular good Lord,

My humble duty remembered, and my humble thanks presented for your lordship's favour and countenance, which it pleased your lordship, at my being with you, to vouchsafe me, above my degree and desert: My

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But his application was unsuccessful; the queen and the lord treasurer, distinguished as they were for penetration into character, being little disposed to encourage him to

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letter hath no further errand but to commend unto your lordship the remembrance of my suit, which then I moved unto you; whereof it also pleased your lordship to give me good hearing, so far forth as to promise to tender it unto her majesty, and withal to add, in the behalf of it, that which I may better deliver by letter than by speech; which is, that although it must be confessed that the request is rare and unaccustomed, yet if it be observed how few there be which fall in with the study of the common laws, either being well left or friended, or at their own free election, or forsaking likely success in other studies of more delight, and no less preferment, or setting hand thereunto early, without waste of years; upon such survey made, it may be my case may not seem ordinary, no more than my suit, and so more beseeming unto it. As I forced myself to say this in excuse of my motion, lest it should appear unto your lordship altogether indiscreet and unadvised, so my hope to obtain it resteth only upon your lordship's good affection toward me, and grace with her majesty, who, methinks, needeth never to call for the experience of the thing, where she hath so great and so good of the person which recommendeth it. According to which trust of mine, if it may please your lordship both herein and else where to be my patron, and to make account of me, as one in whose well-doing your lordship hath interest, albeit, indeed, your lordship hath had place to benefit many, and wisdom to make due choice of lighting places for your goodness, yet do I not fear any of your lordship's former experiences for staying my thankfulness borne in art, howsoever God's good pleasure shall enable me or disable me, outwardly, to make proof thereof; for I cannot account your lordship's service distinct from that which I to God and my prince; the performance whereof to best proof and purpose is the meeting point and rendezvous of all my thoughts. Thus I take my leave of your lordship, in humble manner, committing you, as daily in my prayers, so, likewise, at this present, to the merciful protection of the Almighty.

Your most dutiful and bounden Nephew,

From Grey's Inn, B. Fra.
this 16th of September, 1580.

To Lady Burghley, to speak for him to her Lord.

My singular good Lady,

I was as ready to shew myself mindful of my duty, by waiting on your ladyship, at your being in town, as now by writing, had I not feared lest

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rely upon others rather than upon himself, and to venture on the quicksands of politics, instead of the certain profession of the law, in which the queen had, when he was a child, predicted that he would one day be "her Lord Keeper."(*d*)

To law, therefore, he was reluctantly obliged to devote himself, and, as it seems, in the year 1580, he was admitted a student of Gray's Inn, of which society his father had for many years been an illustrious member. (*e*)

Having engaged in this profession, he, as was to be expected, encountered and subdued the difficulties and obscurities of the science in which he was doomed to labour, and in which, he, afterwards, was so eminently distinguished, not only by his professional exertions and honours, but by his various valuable works upon different practical parts of

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your ladyship's short stay, and quick return might well spare me, that came of no earnest errand. I am not yet greatly perfect in ceremonies of court, whereof, I know, your ladyship knoweth both the right use, and true value. My thankful and serviceable mind shall be always like itself, howsoever it vary from the common disguising. Your ladyship is wise, and of good nature to discern from what mind every action proceedeth, and to esteem of it accordingly. This is all the message which my letter hath at this time to deliver, unless it please your ladyship further to give me leave to make this request unto you, that it would please your good ladyship, in your letters, wherewith you visit my good lord, to vouchsafe the mention and recommendation of my suit; wherein your ladyship shall bind me more unto you than I can look ever to be able sufficiently to acknowledge. Thus in humble manner, I take my leave of your ladyship, committing you, as daily in my prayers, so, likewise, at this present, to the merciful providence of the Almighty.

Your Ladyship's most dutiful and bounden nephew,

From Grey's Inn, B. FRA.

this 16th of September, 1580.

(*d*) See ante page 111.

(*e*) The admission book at Gray's Inn begins in the year 1580; but the first four pages have been torn out. Bacon's name, however, appears in the list of members of the society, in the year 1581: the book abounds with Lord Bacon's Autographs.

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the law,(a) and upon the improvement of the science by exploring the principles of universal justice, the laws of law.(b)

Extensive as were his legal researches, and great as was his legal knowledge, law was, however, but an accessory, not a principal study.(c) It was not to be expected that his mind should confine its researches within the narrow and perplexed study of precedents and authorities. He contracted his sight, when necessary, to the study of the law, but he dilated it to the whole circle of science, and continued his meditations upon his immortal work, which he had projected when in the university. (d)

This course of legal and philosophical research was accompanied with such sweetness and affability of deportment, that he gained the affections of the whole society,

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(a) See note R at the end, and note C C.

(b) See note S at the end.

(c) Contemplation feels no hunger, nor is sensible of any thirst, but of that after knowledge. How frequent and exalted a pleasure did David find from his meditation in the divine law? all the day long it was the theme of his thoughts: The affairs of state, the government of his kingdom, might indeed employ, but it was this only that refreshed his mind. How short of this are the delights of the epicure? how vastly disproportionate are the pleasures of the eating and of the thinking man? indeed as different as the silence of an Archimedes in the study of a problem, and the stillness of a sow at her wash.—South.

Being returned from travel, he applied himself to the study of the common-law, which he took upon him to be his profession. Notwithstanding that he professed the law for his livelihood and subsistence, yet his heart and affection was more carried after the affairs and places of state; for which, if the majesty royal then had been pleased, he was most fit. The narrowness of his circumstances obliged him to think of some profession for a subsistence; and he applied himself, more through necessity than choice, to the study of the common law, in which he obtained to great excellence, though he made that (as himself said) but as an accessory, and not his principal study.—Rawley. See note S at the end.

(d) See note I at the end.

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and the kindness he experienced was not lost upon him. He assisted in their festivities; he beautified their spacious garden, and raised an elegant structure, known for many years after his death, as "The Lord Bacon's Lodgings," in which at intervals he resided till his death. (*b*)

When he was only twenty-six years of age, he was promoted to the bench; (*c*) in his twenty-eighth year he was elected lent reader; (*d*) and the 42nd of Elizabeth he was appointed double reader. 1586. Æt. 26.

His agreeable occupations, and extensive views of science, during his residence in Gray's Inn, did not check his professional exertions. In the year 1586, he applied to the lord treasurer to be called within the bar; (*a*) and in

(*b*) See note T at the end.

(*c*) See note V at the end.

(*d*) Dugdale, in his account of Bacon, says, in 30th Elizabeth, (being then but twenty-eight years of age) the honorable society of Gray's Inn chose him for their lent reader. Orig. p. 295.

(*a*) In the time of Lord Bacon there was a distinction between outer and inner barristers. By the following letter in 1586, it will appear that he applied to the lord treasurer that he might be called within bars.

To the Right Honorable the Lord Treasurer.*

My very good Lord,

I take it as an undoubted sign of your lordship's favour unto me that, being hardly informed of me, you took occasion rather of good advice than of evil opinion thereby. And if your lordship had grounded only upon the said information of theirs, I might and would truly have upholden that few of the matters were justly objected; as the very circumstances do induce, in that they were delivered by men that did misaffect me, and, besides, were to give colour to their own doings. But because your lordship did mingle therewith both a late motion of mine own, and somewhat which you had otherwise heard, I know it to be my duty (and so do I stand affected,) rather to prove your lordship's admonition effectual in my doings hereafter, than causeless by excusing what is past. And yet (with your lordship's pardon humbly asked) it may please you to remember, that I did endeavour to set forth that said motion in such sort as it might breed no harder effect than a denial. And I protest simply before God, that I sought therein an

* Lands. MS. li. art. 5. Orig.

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his thirtieth year was sworn queen's counsel learned extraordinary,(a) an honor which until that time, had never been conferred upon any member of the profession.

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ease in coming within bars, and not any extraordinary or singular note of favour. And for that your lordship may otherwise have heard of me, it shall make me more wary and circumspect in carriage of myself; indeed I find in my simple observation, that they which live as it were in *umbra* and not in public or frequent action, how moderately and modestly soever they behave themselves, yet *laborant invidia;* I find also that such persons as are of nature bashful (as myself is), whereby they want that plausible familiarity which others have, are often mistaken for proud. But once I know well, and I most humbly beseech your lordship to believe, that arrogancy and overweening is so far from my nature, as if I think well of myself in any thing it is in this, that I am free from that vice. And I hope upon this your lordship's speech, I have entered into those considerations, as my behaviour shall no more deliver me for other than I am. And so wishing unto your lordship all honour, and to myself continuance of your good opinion, with mind and means to deserve it, I humbly take my leave.

Your Lordship's most bounden Nephew,

Grey's Inn, FR. BACON.
this 6th of May, 1586.

(a) Rawley, in his life, says, he was after a while, sworn to the queen's counsel learned extraordinary; a grace, if I err not, scarce known before. "He was counsel learned extraordinary to his Majesty, as he had been to Queen Elizabeth." Extract from Biographia Britannica, vol. I. page 373. —He distinguished himself no less in his practice, which was very considerable, and after discharging the office of reader at Grays Inn, which he did, in 1588, when in the twenty-sixth year of his age, he was become so considerable, that the queen who never over valued any man's abilities, thought fit to call him to her service in a way which did him very great honour, by appointing him her council learned in the law extraordinary: by which, though she contributed abundantly to his reputation, yet she added but very little to his fortune, as indeed in this respect he was never much indebted to her majesty, how much soever he might be in all others. He, in his apology respecting Lord Essex, says, "They sent for us of the learned council."

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CHAPTER III.

FROM HIS ENTRANCE INTO ACTIVE LIFE TILL HIS DISAPPOINTMENT AS SOLICITOR, 1590 TO 1596.

1590 to 1596. Æt. 30.

He thus entered on public life, submitting, as a lawyer and a statesman, to worldly occupations and the pursuit of worldly honours, that, sooner or later, he might escape into the calm regions of philosophy.

At this period the court was divided into two parties: at the head of the one were the two Cecils; of the other, the Earl of Leicester, and afterwards, his son-in-law, the Earl of Essex.

To the Cecils Bacon was allied. He was the nephew of Lord Burleigh, and first cousin to Sir Robert Cecil, the principal secretary of state; but, connected as he was to the Cecils by blood, his affections were with Essex. Generous, ardent, and highly cultivated, with all the romantic enthusiasm of chivalry, and all the graces and accomplishments of a court, Essex was formed to gain partizans, and attach friends. Attracted by his mind and character, Bacon could have but little sympathy with Burleigh, who thought £100. an extravagant gratuity to the author of the Fairy Queen, which he was pleased to term an "old song,"(*b*) and, probably deemed the listeners to such songs little better than idle dreamers. There was much grave learning and much pedantry at court, but literature of the lighter sort was regarded with coldness, and philosophy

(*b*) See note X at the end.

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with suspicion: instead, therefore, of uniting himself to the party in power, he not only formed an early friendship himself with Essex, but attached to his service his brother Anthony, who had returned from abroad, with a great reputation for ability and a knowledge of foreign affairs. (*c*)

1591. Æt. 31. This intimacy could not fail to excite the jealousy of Lord Burleigh; and, in after life, Bacon was himself sensible that he had acted unwisely, and that his noble kinsmen had some right to complain of the readiness with which he and his brother had embraced the views of their powerful rival. (*d*) But, attached as he was to Essex, Bacon was not so imprudent as to neglect an application to them whenever opportunity offered to forward his interests. In a letter written in the year 1591 to Lord Burleigh, in which he says that "thirty-one years is a great deal of sand in the hour-glass," he made another effort to extricate himself from the slavery of the law, by endeavouring to procure some appointment at court; that, "not being a man born under Sol that loveth honour, nor under Jupiter that loveth business, but wholly carried away by the contemplative planet," he might by that mean become a true pioneer in the deep mines of truth. (*d*) To these applications, the Cecils were not entirely inattentive; for, although not influenced by any sympathy for genius, "for a speculative man indulging himself in philosophical reveries, and calculated more to perplex than to promote public business," as he was represented by his cousin, Sir Robert Cecil, (*f*) they procured for him the reversion of the Registership of the Star Chamber, worth about £1600. a year, for which, modestly ascribing his success to the remembrance of his father's virtues, he immediately acknowledged his obligation to the queen. This reversion, however, was not of

(*c*) See note Y at the end. (*d*) See note Z at the end.

(*f*) There is a letter containing this expression, but I cannot find it.

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any immediate value; for, not falling into possession till after the lapse of twenty years, he said that "it was like another man's ground buttailing upon his house, which might mend his prospect, but it did not fill his barns." (*a*)

In the parliament which met on February 19, 1592, and which was chiefly called for consultation and preparation against the ambitious designs of the King of Spain, (*b*) Bacon sat as one of the knights for Middlesex. (*c*) On the 25th of February, 1592, he, in his first speech, earnestly recommended the improvement of the law, an improvement which through life he availed himself of every opportunity to encourage (*d*) not only by his speeches, but by his works; in which he admonishes lawyers, that although they have a tendency to resist the progress of legal improvement, and are not the best improvers of law, it is their duty to visit and strengthen the roots and foundation of their science, productive of such blessings to themselves and to the community; and he submitted to the king that the most sacred trust to sovereign power consisted in the establishing good laws for the regulation of the kingdom, and as an example to the world. 1592. Æt. 32.

To assist in the improvement which he recommended, he, in after life, prepared a plan for a digest and amendment of the whole law, and particularly of the penal law of England, and a tract upon Universal Justice; the one like a fruitful shower, profitable and good for the latitude of ground on which it falls, the other like the benefits of heaven, permanent and universal. (*e*)

In another debate on the 7th of March, Bacon forcibly represented, as reasons for deferring for six years the payment of the subsidies to which the house had consented,

(*a*) See note Z Z at the end. (*b*) See note 2 Z at the end.
(*c*) See note A A at the end. (*d*) See note B B at the end.
(*e*) See note C C at the end.

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the distresses of the people, the danger of raising public discontent, and the evil of making so bad a precedent against themselves and posterity.(*a*) With this speech the queen was much displeased, and caused her displeasure to be communicated to Bacon both by the Lord Treasurer and by the Lord Keeper. He heard them with the calmness of a philosopher, saying, that "he spoke in discharge of his conscience and duty to God, to the queen, and to his country; that he well knew the common beaten road to favour, and the impossibility that he who had selected a course of life 'estimate only by the few,' should be approved by the many."(*b*) He said this, not in anger, but in the consciousness of the dignity of his pursuits, and with the full knowledge of the doctrine and consequences both of concealment and revelation of opinion: of the time to speak and the time to be silent.(*c*)

If, after this admonition, he was more cautious in the expression of his sentiments, he did not relax in his parliamentary exertions, or sacrifice the interests of the public at the foot of the throne. He spoke often, and always with such force and eloquence as to insure the attention of the house; and, though he spoke generally on the side of the court, he was regarded as the advocate of the people: a powerful advocate, according to his friend, Ben Jonson, who thus speaks of his parliamentary eloquence: "There happened in my time one noble speaker who was full of gravity in his speaking: his language, where he could spare or pass by a jest was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered: no member of his speech but consisted of its own graces. His hearers could not cough or look aside from him without loss: he commanded when he spoke, and had his judges angry and

(*a*) See note D D at the end. (*b*) See note E E at the end.
(*c*) See note F F at the end.

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pleased at his devotion. No man had their affections more in his power: the fear of every man that heard him was lest he should make an end."

It would have been fortunate for society if this check had impressed upon his mind the vanity of attempting to unite the scarcely reconcileable characters of the philosopher and the courtier. His high birth and elegant taste unfitted Bacon for the common walks of life, and by surrounding him with artificial wants, compelled him to exertions uncongenial to his nature: but the love of truth, of his country, and an undying spirit of improvement, ever in the train of knowledge, ill suited him for the trammels in which he was expected to move. Through the whole of his life he endeavoured to burst his bonds, and escape from law and politics, from mental slavery to intellectual liberty. Perhaps the charge of inconsistency, so often preferred against him, may be attributed to the varying impulse of such opposite motives.*

In the spring of 1594, (*a*) by the promotion of Sir Edward Coke to the office of Attorney General, the Solicitorship became vacant. This had been foreseen by Bacon, and, from his near alliance to the Lord Treasurer; from the friendship of Lord Essex; from the honourable testimony of the bar and of the bench; from the protection he had a right to hope for from the Queen, for his father's sake; from the consciousness of his own merits and of the weakness of his competitors, Bacon could scarcely doubt of his success. He did not, however, rest in an idle security; for though, to use his own expression, he was "voiced with great expectation, and the wishes of all men," yet he strenuously applied to the Lord Keeper, to Lord Burleigh, 1594. Æt. 34.

* During this year he published a tract, containing observations upon a libel. See vol. v. of this edition, p. 384.

(*a*) 10 April, Dug. Orig.

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to Sir Robert Cecil, and to his noble friend Lord Essex, to further his suit.

To the Lord Keeper Puckering he applied as to a lawyer, having no sympathy with his pursuits or value for his attainments, in the hope of preventing his opposition, rather than from any expectation of his support; (*a*) and he calculated rightly upon the Lord Keeper's disposition towards him, for, either hurt by Bacon's manner, of which he appeared to have complained, (*b*) or from the usual antipathy of common minds to intellectual superiority, the Lord Keeper represented to the Queen that two lawyers, of the names of Brograve and Brathwayte, were more meritorious candidates. (*c*) Of the conduct of the Lord Keeper he felt and spoke indignantly. "If," he says, "it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her Majesty, and your own virtue, your lordship is ascended, I know you will have a compunction of mind to do me any wrong." (*d*)

To Lord Burleigh he applied as to his relation and patron, and, as a motive to ensure his protection, he intimated his intention to devote himself to legal pursuits, an intimation likely to be of more efficacy to this statesman than the assurance that the completion of the Novum Organum depended upon his success: (*e*) and he formed a correct estimate of the Lord Treasurer, who strongly interceded with the Queen, and kindly communicated to Bacon the motives by which she was influenced against him. (*f*)

To Sir Robert Cecil he also applied, as to a kinsman; and, during the course of his solicitation, having suspected that he had been bribed by his opponent, openly accused

(*a*) See note H H at the end.
(*b*) See note I I at the end.
(*c*) See note K K at the end.
(*d*) See note L L at the end.
(*e*) See note M M at the end.
(*f*) See note N N at the end.

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him; but, having discovered his error, he immediately acknowledged that his suspicions were unfounded. (*a*) He still, however, maintained that there had been treachery somewhere, and that a word the Queen had used against him had been put into her mouth by Sir Robert's messenger.

Essex, with all the zeal of his noble and ardent nature, endeavoured to influence the Queen on behalf of his friend, by every power which he possessed over her affections and her understanding; (*b*) availing himself of the most happy moments to address her, refuting all the reasons which she could adduce against his promotion, and representing the rejection of his suit as an injustice to the public, and a great unkindness to himself. Not content with these earnest solicitations, Essex applied to every person by whom the Queen was likely to be influenced.

That Bacon had a powerful enemy was evinced not only by the whole of Elizabeth's conduct during this protracted suit, but by the anger with which she met the earnest pleadings of Essex; by her perpetual refusals to come to any decision, and above all, by her remarkable expressions, that "Bacon had a great wit, and much learning, but that in law he could show to the uttermost of his knowledge, and was not deep." Essex was convinced that this enemy was the Lord Keeper, to whom he wrote, desiring "that the Lord Keeper would no longer consider him a suitor for Bacon, but for himself; that upon him would light the disgrace as well of the protraction as of the refusal of the suit; and complained with much bitterness of those who ought to be Bacon's friends. (*c*)

(*a*) See note O O at the end. (*b*) See note P P at the end.

(*c*) *To the Right Honourable the Lord Keeper, &c.*—My very good Lord, The want of assistance from them which should be Mr. Fr. Bacon's friends, makes [me] the more industrious myself, and the more earnest in

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To the Queen, Bacon applied by a letter worthy of them both. He addressed her respectfully, but with a full consciousness that he deserved the appointment, and that he had not deserved the reprimand he had received from her Majesty, for the honest exercise of his duty in parliament. Apologizing for his boldness and plainness, he told the Queen, "that his mind turned upon other wheels than those of profit; that he sought no great matter, but a place in his profession, often given to younger men; that he had never sought her but by her own desire, and that he would not wrong himself by doing it at that time, when it might be thought he did it for profit; and that if her majesty found other and abler men, he should be glad there was such choice of them. (*a*) This letter, according to the custom of the times, he accompanied by a present of a jewel. (*f*) When the Queen, with the usual property of royalty, not to forget, mentioned his speech in parliament which yet rankled in her mind, (*b*) and with an antipathy, unworthy of her love of letters, said, "he was rather a man of study, than of practice and experience;" he reminded her of his father, who was made solicitor of the Augmentation Office when he was only twenty-seven years old, and had never practised, and that Mr. Brograve,

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soliciting mine own friends. Upon me the labour must lie of his establishment, and upon me the disgrace will light of his being refused. Therefore I pray your lordship, now account me not as a solicitor only of my friend's cause, but as a party interested in this; and employ all your lordship's favour to me, or strength for me, in procuring a short and speedy end. For though I know it will never be carried any other way, yet I hold both my friend and myself disgraced by this protraction. More I would write, but that I know to so honourable and kind a friend, this which I have said is enough. And so I commend your lordship to God's best protection, resting, at your Lordship's commandment,—Essex.

(*a*) See note Q Q at the end. (*b*) See note S S at the end.

(*f*) See note R R at the end.

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who had been recommended by the Lord Keeper, was without practice. (*a*)

This contest lasted from April 1594 till November 1595; and what at first was merely doubt and hesitation in the Queen's mind, became a struggle against the ascendency, which she was conscious Essex had obtained over her, as she more than once urged that "if either party were to give way it ought to be Essex; that his affection for Bacon should yield to her mislike. (*l*) Of this latent cause Essex became sensible, and said to Bacon, "I never found the Queen passionate against you till I was passionate for you." (*m*)

Such was the nature of this contest, which was so long protracted, that success could not compensate for the trouble of the pursuit; of this, and of the difficulties of his situation, he bitterly complained. "To be," he said, "like a child following a bird, which when he is nearest flieth away and lighteth a little before, and then the child after it again. I am weary of it, as also of wearying my good friends." (*n*)

On the 5th of November, 1596, (*o*) Mr. Serjeant Fleming was appointed Solicitor-General, to the surprise of the public, and the deep-felt mortification of Bacon, and of his patron and friend, Lord Essex. The mortification of Essex partook strongly of the extremes of his character; of the generous regard of wounded affection, and the bitter vexation of wounded pride: he complained that a man, every way worthy had "fared ill, because he had made him a mean and dependence;" but he did not rest here: he generously undertook the care of Bacon's future

1596. Æt. 36. Fleming Solicitor.

(*a*) See note T T at the end.
(*l*) See note P P, letter beginning "I went yesterday."
(*m*) See note P P, letter beginning "I have received."
(*n*) See note V V at the end.
(*o*) See Dug. Orig. Jud.

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fortunes, and, by the gift of an estate, worth about £1800. at the beautiful village of Twickenham, endeavoured to remunerate him for his great loss of time and grievous disappointment. (*a*)

How bitterly Bacon felt the disgrace of the Queen's rejection is apparent by his own letter, where he says, that "rejected with such circumstances, he could no longer look upon his friends, and that he should travel, and hoped that her majesty would not be offended that, no longer able to endure the sun, he had fled into the shade." (*b*)

His greatest annoyance during this contest had arisen from the interruption of thoughts generally devoted to higher things. After a short retirement, "where he once again enjoyed the blessings of contemplation in that sweet solitariness which collecteth the mind, as shutting the eyes does the sight," during which he seems to have invented an instrument resembling a barometer, (*c*) he resumed his usual habits of study, consoled by the consciousness of worth, which, though it may at first embitter defeat from a sense of injustice, never fails ultimately to mitigate disappointment, by ensuring the sympathy of the wise and the good.

This cloud soon passed away; for, though Bacon had stooped to politics, his mind, when he resumed his natural position, was far above the agitation of disappointed ambition. During his retirement he wrote to the Queen, expressing his submission to the providence of God, which he says findeth it expedient for me "*tolerare jugum in juventute mea*;" and assuring her majesty that her service should not be injured by any want of his exertions. (*d*) His forbearance was not lost upon the Queen, who, satisfied with her victory, soon afterwards, with an expression of

(*a*) See note W W at the end.
(*b*) See note X X at the end.
(*c*) See note Y Y at the end.
(*d*) See note Z Z at the end.

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kindness, employed him in her service: and some effort was made to create a new vacancy, by the advancement of Fleming. (*a*)

During the contest, the University of Cambridge had conferred upon him the degree of master of arts, (*b*) and he had in the first throes of vexation declared his intention of retiring there, a resolution, which, unfortunately for philosophy, he did not put into practice. (*x*)

In the year 1596 Bacon completed a valuable tract upon the elements and use of the common law. (*c*) It consists in the first part of twenty-five legal maxims, (*d*) as specimens selected from three hundred, (*e*) in which he was desirous to establish in the science of law, as he was anxious to establish in all science, general truths for the diminution of individual labour, and the foundation of future discoveries: and, his opinion being, that general truths could be discovered only by an extensive collection of particulars, he proceeded in this work upon the plan suggested in his Novum Organum. (*f*) 1596. Æt. 36. Elements of Law.

In the second part he explains the use of the law for the security of persons, reputation, and property; which, with the greatest anxiety to advance freedom of thought and liberty of action, he well knew and always inculcated, was to be obtained only by the strength of the law restraining and directing individual strength. (*z*) In Orpheus's Theatre, he says, all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound

(*a*) See note 3 A at the end.
(*b*) See note 3 B at the end.
(*c*) See note 3 C at the end.
(*d*) See note 3 D at the end.
(*e*) See note 3 E at the end.
(*f*) See note 3 F at the end.
(*x*) See note X X at the end.
(*z*) In societati civili, aut lex aut vis valet. *Justitia Universalis.*

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whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues; so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion."

His preface contains his favourite doctrine, that "there is a debt of obligation from every member of a profession to assist in improving the science in which he has successfully practised,(a) and he dedicated his work to the Queen, as a sheaf and cluster of fruit of the good and favourable season enjoyed by the nation, from the influence of her happy government, by which the people were taught that part of the study of a good prince was to adorn and honour times of peace by the improvement of the laws. Although this tract was written in the year 1596, and although he was always a great admirer of Elizabeth, it was not published till after his death. (a)

The exertions which had been made by Essex to obtain the solicitorship for his friend, and his generous anxiety to mitigate his disappointment, had united them by the strongest bonds of affection.

In the summer of 1596, Essex was appointed to the command of an expedition against Spain; and though he was much troubled during the embarkation of his troops, by the want of discipline in the soldiery, chiefly volunteers, and by the contentions of their officers, too equal to be easily commanded, yet he did not forget the interests of Bacon, but wrote from Plymouth to the new-placed lord

(a) See note 3 G at the end.

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keeper, and to all his friends in power, strongly recommending him to their protection. (*a*)

In the early part of the year 1597 his first publication appeared. It is a small 12mo. volume of Essays, (*b*) Religious Meditations, and a Table of the Colours of Good and Evil. In his dedication to his loving and beloved brother, he states that he published to check the circulation of spurious copies, "like some owners of orchards, who gathered the fruit before it was ripe, to prevent stealing;" and he expresses his conviction that there was nothing in the volume contrary, but rather medicinable to religion and manners, and his hope that the Essays would, to use his own words, "be like the late new halfpence, which, though the pieces were small, the silver was good." (*b*) 1597. Æt. 37. Essays.

The Essays, which are ten (*e*) in number, abound with condensed thought and practical wisdom, neatly, pressly, and weightily stated, (*f*) and, like all his early works, are simple, without imagery. (*m*) They are written in his favourite style of aphorisms, (*m*) although each essay is apparently a continued work; (*h*) and without that love of

(*a*) See note 3 H at the end. (*b*) See note 3 I at the end.

(*e*) 1. Of Study.
2. Of Discourse.
3. Of Ceremonies and Respect.
4. Of Followers and Friends.
5. Suitors.
6. Of Expense.
7. Of Regiment of Health.
8. Of Honour and Reputation.
9. Of Faction.
10. Of Negociating.

(*f*) See Ben Jonson's description of his speaking in parliament, ante, xxviii.

(*m*) See note 3 K at the end.

(*h*) The following is selected as a specimen from his first essay "*Of Study*:"

¶ Reade not to contradict, nor to believe, but to waigh and consider.

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antithesis and false glitter to which truth and justness of thought is frequently sacrificed by the writers of maxims.

Another edition, with a translation of the Meditationes Sacræ, was published in the next year; and a third in 1612, when he was solicitor-general; and a fourth in 1625, the year before his death.

The Essays in the subsequent editions are much augmented, according to his own words: "I always alter when I add, so that nothing is finished till all is finished," and they are adorned by happy and familiar illustration, as in the essay of "Wisdom for a Man's self," which concludes in the edition of 1625 with the following extract, not to be found in the previous edition:—"Wisdom for a man's self is in many branches thereof a depraved thing. It is the wisdom of rats, that will be sure to leave a house somewhat before it fall. It is the wisdom of the fox, that thrusts out the badger, who digged and made room for him. It is the wisdom of crocodiles, that shed tears when they would devour. But that which is specially to be noted is, that those which, as Cicero says of Pompey, are *sui amantes sine rivali*, are many times unfortunate. And whereas they have all their time sacrificed to themselves, they become in the end themselves sacrifices to the inconstancy of fortune, whose wings they thought by their self-wisdom to have pinioned."

So in the essay upon Adversity, on which he had deeply reflected, before the edition of 1625, when it first appeared, he says: "The virtue of prosperity is temperance, the

¶ Some bookes are to be tasted, others to be swallowed, and some few to be chewed and digested. That is, some bookes are to be read only in partes; others to be read but cursorily, and some few to be read wholly and with diligence and attention.

¶ Histories make men wise, poets wittie, the mathematicks subtle, natural philosophie deepe, moral, grave; logicke and rhetoricke able to contend.

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virtue of adversity is fortitude, which in morals is the more heroical virtue. Prosperity is the blessing of the Old Testament, adversity is the blessing of the New, which carrieth the greater benediction, and the clearer revelation of God's favour. Yet even in the Old Testament, if you listen to David's harp, you shall hear as many hearse-like airs as carols; and the pencil of the Holy Ghost hath laboured more in describing the afflictions of Job than the felicities of Solomon. Prosperity is not without many fears and distastes; and adversity is not without comforts and hopes. We see in needleworks and embroideries, it is more pleasing to have a lively work upon a sad and solemn ground, than to have a dark and melancholy work upon a lightsome ground: judge, therefore, of the pleasure of the heart by the pleasure of the eye. Certainly virtue is like precious odours, most fragrant when they are incensed, or crushed: for prosperity doth best discover vice, but adversity doth best discover virtue."

The essays were immediately translated into French and Italian, and into Latin by some of his friends, amongst whom were Hacket, Bishop of Litchfield, and his constant affectionate friend, Ben Jonson. (*i*)

His own estimate of the value of this work is thus stated in his letter to the Bishop of Winchester: "As for my Essays, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that manner purpose to continue them; though I am not ignorant that these kind of writings would, with less pains and assiduity, perhaps yield more lustre and reputation to my name than the others I have in hand."

Although it was not likely that such lustre and reputation would dazzle him, the admirer of Phocion, (*k*) who,

(*i*) Tennison. See note (*a*), p. 226. (*k*) Apothegm. 30, vol. i. p. 356.

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when applauded, turned to one of his friends, and asked, "what have I said amiss?" although popular judgment was not likely to mislead him who concludes his observations upon the objections to learning and the advantages of knowledge, by saying, "Nevertheless I do not pretend, and I know it will be impossible for me, by any pleading of mine, to reverse the judgment either of Æsop's cock, that preferred the barleycorn before the gem; or of Midas, that being chosen judge between Apollo, president of the muses, and Pan, god of the flocks, judged for plenty; or of Paris, that judged for beauty and love against wisdom and power. For these things continue as they have been; but so will that also continue whereupon learning hath ever relied, and which faileth not. 'Justificata est sapientia a filiis suis:'"(*a*) yet he seems to have undervalued this little work, which, for two centuries, has been favourably received by every lover of knowledge and of beauty, and is now so well appreciated, that a celebrated professor of our own times truly says: "The small volume to which he has given the title of "Essays," the best known and the most popular of all his works, is one of those where the superiority of his genius appears to the greatest advantage; the novelty and depth of his reflections often receiving a strong relief from the triteness of the subject. It may be read from beginning to end in a few hours, and yet after the twentieth perusal one seldom fails to remark in it something overlooked before. This, indeed, is a characteristic of all Bacon's writings, and is only to be accounted for by the inexhaustible aliment they furnish to our own thoughts, and the sympathetic activity they impart to our torpid faculties." (*b*)

During his life six or more editions, which seem to have

(*a*) See vol. ii. p. 88. (*b*) Dugald Stewart.

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been pirated, were published; and, after his death, two spurious essays "Of Death," and "Of a King," the only authentic posthumous essay being the fragment of an essay on Fame, which was published by his friend and chaplain, Dr. Rawley.

The sacred meditations, which are twelve in number,(*a*) are in the first edition in Latin, and have been partly incorporated into subsequent editions of the Essays, and into the Advancement of Learning. (*b*)

The Colours of Good and Evil are ten in number, and were afterwards inserted in the Advancement of Learning, (*c*) in his tract on Rhetoric.

Such was the nature of his first work, which was gratefully received by his learned contemporaries, as the little cloud seen by the prophet, and welcomed as the harbinger of showers that would fertilise the whole country.

1598. Æt. 38. Proposed marriage.

While, in this year, the Earl of Essex was preparing for his voyage, Bacon communicated to him his intention of making a proposal of marriage to the Lady Hatton, the wealthy widow of Sir William Hatton, and daughter of Sir Thomas Cecil, and desired his lordship's interest in support of his pretensions, trusting, he said, "that the beams of his lordship's pen might dissolve the coldness of his

(*a*) Of the Works of God and Man.
Of the Miracles of our Saviour.
Of the Innocency of the Dove, and the Wisdom of the Serpent.
Of the Exaltation of Charity.
Of the Moderation of Cares.
Of Earthly Hope.
Of Hypocrites.
Of Impostors.
Of the several kinds of Imposture.
Of Atheism.
Of Heresies
Of the Church and the Scripture.

(*b*) See note 3 L at the end.

(*c*) See vol. ii. p. 212.

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fortune."(a) Essex with his wonted zeal, warmly advocated the cause of his friend; he wrote in the strongest terms to the father and mother of the lady, assuring them "that if Bacon's suit had been to his own sister or daughter, he would as confidently further it, as he now endeavoured to persuade them." Neither Bacon's merit, or the generous warmth of his noble patron touched the heart of the lady, who, fortunately for Bacon, afterwards became the wife of his great rival, Sir Edward Coke. (b)

1598. Æt. 38. In this year he seems to have been in great pecuniary difficulties, (c) which, however they may have interrupted, did not prevent his studies; for, amidst his professional and political labours, he published a new edition of his Essays, (d) and composed a law tract, not published until some years after his death, entitled the History of the Alienation Office. (e)

1599. Æt. 39. Statute of Uses. In the year 1599, the celebrated case of Perpetuities, which had been argued many times at the bar of the King's Bench, was on account of its difficulty and great importance, ordered to be argued in the Exchequer Chamber before all the judges of England; (f) and after a first argument by Coke, Solicitor-General, a second argument was directed, and Bacon was selected to discharge this arduous duty, to which he seems to have given his whole mind; and although Sir Edward Coke, in his report, states that he did not hear the arguments, the case is reported at great length, and the reasoning has not been lost, for the

(a) See note 3 M at the end.

(b) See note 3 N at the end.

(c) See note 3 O at the end.

(d) It differs from the edition of 1597 only in having the Meditationes Sacræ in English instead of Latin.

(e) See note 3 P at the end.

(f) 1 Coke, 121, p. 287.

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manuscript exists,(a) and seems to have been incorporated in his reading on the statute of uses to the society of Gray's Inn.

He thus commences his address to the students: "I have chosen to read upon the Statute of Uses, a law whereupon the inheritances of this realm are tossed at this day, like a ship upon the sea, in such sort, that it is hard to say which bark will sink, and which will get to the haven; that is to say, what assurances will stand good, and what will not. Neither is this any lack or default in the pilots, the grave and learned judges; but the tides and currents of received error, and unwarranted and abusive experience have been so strong, as they were not able to keep a right course according to the law. Herein, though I could not be ignorant either of the difficulty of the matter, which he that taketh in hand shall soon find, or much less of my own unableness, which I had continual sense and feeling of; yet, because I had more means of absolution than the younger sort, and more leisure than the greater sort, I did think it not impossible to work some profitable effect; the rather because where an inferior wit is bent and constant upon one subject, he shall many times, with patience and meditation, dissolve and undo many of the knots, which a greater wit, distracted with many matters, would rather cut in two than unknit: and, at the least, if my invention or judgment be too barren or too weak, yet by the benefit of other arts, I did hope to dispose or digest the authorities and opinions which are in cases of uses in such order and method, as they should take light one from another, though they took no light from me."

He then proceeds in a luminous exposition of the statute, of which a celebrated lawyer of our times,(b) says:

(a) See note 3 Q at the end.

(b) Mr. Hargrave.

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"Lord Bacon's reading on the Statute of Uses is a very profound treatise on the subject, so far as it goes, and shows that he had the clearest conception of one of the most abstruse parts of our law. What might we not have expected from the hands of such a master, if his vast mind had not so embraced within its compass the whole field of science, as very much to detach him from his professional studies?"(*b*)

There is an observation of the same nature by a celebrated professor in another department of science, Sir John Hawkins, who, in his History of Music, says, "Lord Bacon, in his Natural History has given a great variety of experiments touching music, that show him to have not been barely a philosopher, an inquirer into the phenomena of sound, but a master of the science of harmony, and very intimately acquainted with the precepts of musical composition." And, in coincidence with his lordship's sentiments of harmony, he quotes the following passage: "The sweetest and best harmony is when every part or instrument is not heard by itself, but a conflation of them all, which requireth to stand some distance off, even as it is in the mixtures of perfumes, or the taking of the smells of several flowers in the air."(*b*)

With these legal and literary occupations he continued without intermission his parliamentary exertions, there not having been during the latter part of the Queen's reign any debate in which he was not a distinguished speaker, or any important committee of which he was not an active member. (*d*)

Ireland. 1599. Æt. 39.

Early in the year 1599 a large body of the Irish, denied the protection of the laws, and hunted like wild beasts by an insolent soldiery, fled the neighbourhood of cities, shel-

(*b*) See note 3 R at the end.

(*d*) See note 3 S at the end.

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tered themselves in their marshes and forests, and grew every day more intractable and dangerous; it became necessary, therefore, that some vigorous measures should be adopted to restrain their excesses.

A powerful army was raised, of which the command was intended by the Queen to be conferred upon Lord Mountjoy; but Essex solicited an employment, which at once gratified his ambition and suited the ardour of his character, and which his enemies sought for him more zealously than his friends, foreseeing the loss of the Queen's favour, from the certainty of his absence from court, and the probable failure of his expedition.

Difference with Essex.

From the year 1596 till this period there had been some interruption of the intimacy between Bacon and Essex, arising from the honest expression of his opinion of the unwise and unworthy use which Essex made of his power over the Queen. Notwithstanding the temporary estrangement which this difference of opinion occasioned, Essex was unwilling to accept this important command without consulting his intelligent friend.

Bacon's narrative gives a striking picture of both parties. He says, "Sure I am (though I can arrogate nothing to myself but that I was a faithful remembrance to his lordship) that while I had most credit with him his fortune went on best. And yet in two main points we always directly and contradictorily differed, which I will mention to your lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the Queen was by obsequiousness and observance; and I remember I would usually engage confidently, that if he would take that course constantly, and with choice of good particulars to express it, the Queen would be brought in time to Assuerus' question, to ask, What should be done to the man that the king would honour?

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meaning, that her goodness was without limit, where there was a true concurrence, which I knew in her nature to be true. My lord, on the other side, had a settled opinion, that the Queen could be brought to nothing but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will, he would ask me: Now sir, whose principles be true? And I would again say to him: My lord, these courses be like to hot waters, they will help at a pang; but if you use them, you shall spoil the stomach, and you shall be fain still to make them stronger and stronger, and yet in the end they will lese their operation: with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependence, or by a popular dependence, as that which would breed in the Queen jealousy, in himself presumption, and in the state perturbation; and I did usually compare them to Icarus' two wings which were joined on with wax, and would make him venture to soar too high, and then fail him at the height. And I would further say unto him: My Lord, stand upon two feet, and fly not upon two wings. The two feet are the two kinds of justice, commutative and distributive: use your greatness for advancing of merit and virtue, and relieving wrongs and burdens, you shall need no other art or fineness: but he would tell me, that opinion came not from my mind, but from my robe. But this difference in two points so main and material, bred in process of time a discontinuance of privateness (as it is the manner of men seldom to communicate where they think their courses not approved) between his lordship and myself; so as I was not called nor advised with for some year and a half before his lordship's going into Ireland, as in former time: yet nevertheless, touching his going into Ireland, it pleased him

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expressly and in a set manner to desire mine opinion and counsel." (*a*)

Thus consulted, Bacon, with prophetic wisdom, warned him of the ruin that would inevitably result from his acceptance of an appointment, attended not only with peculiar difficulties, which from habit and temper he was unfit to encounter, but also with the certain loss of the Queen's favour, from his absence, and the constant plotting of his enemies. Essex heard this advice, urged as it was, with an anxiety almost parental, as advice is generally heard when opposed to strong passion. It was totally disregarded. It is but justice to Bacon to hear his own words. He says: "I did not only dissuade, but protest against his going, telling him with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the Queen's mind, whereby it would not be possible for him to carry himself so as to give her sufficient contentment; nor for her to carry herself so as to give him sufficient countenance, which would be ill for her, ill for him, and ill for the state. And because I would omit no argument, I remember I stood also upon the difficulty of the action: many other reasons I used, so as I am sure I never in any thing in my lifetime dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny to that journey, as it is possible for a man to ground a judgment upon future contingents. But my lord, howsoever his ear was open, yet his heart and resolution was shut against that advice, whereby his ruin might have been prevented." (*a*)

Dissuades Essex.

It did not require Bacon's sagacity to foresee these sad consequences. Elizabeth had given an unwilling assent

(*a*) Bacon's Apology, see vol. vi. p. 245.

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to the appointment, and, though accustomed to yield to the vehement demands of her favorite, was neither blind to his faults, or slow in remembering them, when his absence gave her time for reflection; but she shared with all monarchs the common wish to obtain the disinterested affection of those whom she distinguished with her favour. (*a*)

By the loss of Leicester, and the recent death of Burleigh, she was left in the decline of her life "in a solitude of friends," when Essex, of a character more congenial to the Queen than either of those noblemen, became, between twenty and thirty years of age, a candidate for court favour. Well read, highly born, accomplished, and imbued with the romantic chivalry of the times, he amused her by his gaiety, and flattered her by his gallantry; the rash ingenuousness of his temper gave an air of sincerity to all his words and actions, while strength of will, and a daring and lofty spirit like her own, lessened the distance between them, and completed the ascendancy which he gained over her affections; an ascendency which, even if the Queen had not been surrounded by his rivals and enemies, could not but be diminished by his absence.

1599. Æt. 39. Essex lieutenant.

In March, 1599, he was appointed lord lieutenant, and, attended with the flower of the nobility and the acclamations of the people, he quitted London, and in the latter end of the month arrived at Dublin. From this time until his return, the whole of his actions were marked by a strong determination that his will should be paramount to that of the Queen.

The first indication of his struggle for power was the appointment, against the express wish of the Queen, of his friend, Lord Southampton, to be general of the horse, which he was ordered to rescind. Essex, who had much personal courage, and who would have distinguished him-

(*a*) See note 3 T at the end.

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self at a tournament, or a passage at arms, being totally unfit to manage an expedition requiring all the skill, experience, and patient endurance of a veteran soldier, the whole campaign was a series of rash enterprize, neglected opportunity, and relaxed discipline, involving himself and his country in defeat and disgrace. By this ill-advised conduct he so completely aliened the minds of his soldiers, that they were put to flight by an inferior number of the enemy; at which Essex was so much enraged, that he cashiered all the officers, and decimated the men.

1597. Æt. 37.

Intercession with Queen.

Bacon, seeing how truly he had prophesied, and observing the pain felt by the Queen, availed himself of every opportunity to prevent his ruin in her affections. "After my lord's going," he says, "I saw then how true a prophet I was, in regard of the evident alteration which naturally succeeded in the Queen's mind, and thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire if it had been possible; and not long after, me thought I saw some overture thereof, which I apprehended readily, a particularity I think be known to very few, and the which I do the rather relate unto your lordship, because I hear it should be talked, that while my lord was in Ireland I revealed some matters against him, or I cannot tell what; which if it were not a mere slander as the rest is, but had any, though never so little colour, was surely upon this occasion. The Queen one day at Nonsuch, a little (as I remember) before Cuffes coming over, I attending on her, showed a passionate distaste of my lord's proceedings in Ireland, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be, and was pleased, as she spake of it to many that she trusted least, so to fall into the like speech with me; whereupon I who was still awake, and

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true to my grounds which I thought surest for my lord's good, said to this effect: Madam, I know not the particulars of estate, and I know this, that princes' actions must have no abrupt periods or conclusions, but otherwise I would think, that if you had my lord of Essex here with a white staff in his hand, as my lord of Leicester had, and continued him still about you for society to yourself, and for an honour and ornament to your attendance and court in the eyes of your people, and in the eyes of foreign ambassadors, then were he in his right element; for, to discontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove cumbersome and unruly. And therefore if you would *imponere bonam clausulam*, and send for him, and satisfy him with honour near you, if your affairs, which (as I have said) I am not acquainted with, will permit it, I think were the best way."(*a*)

Return of Essex.

These kind exertions for his friend were, however, wholly defeated by the haughtiness and imprudence of Essex, who, to the just remonstrances of the Queen, gave no other answers than peevish complaints of his enemies; and, to the astonishment of all persons, he, without her permission, returned to England, arrived before any person could be apprised of his intention, and, the Queen not being in London, he, without stopping to change his dress, or to take any refreshment, proceeded to Nonsuch, where the court was held. Travel-stained as he was, he sought the Queen in her chamber, and found her newly risen, with her hair about her face. He kneeled to her, and kissed her hands. Elizabeth, taken by surprise, gave way to all her partiality for him, and to the pleasure she always had in his company. He left her presence well pleased with his reception, and thanked God, though he had suffered much

(*a*) Bacon's Apology, vol. vi. p. 254.

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trouble and storm abroad, that he found a sweet calm at home. He had another conference for an hour with the Queen before midday, from which he returned well contented with his future prospects, receiving the visits of the whole court, Cecil and his party excepted. (*b*)

During the day the Queen saw her ministers. (*c*) After dinner he found her much changed: she received him coldly, and appointed the lords to hear him in council that very afternoon. After sitting an hour, they adjourned the court to a full council on the next day; but, between eleven and twelve at night, an order came from the Queen that Essex should keep his chamber. (*d*)

Confinement of Essex to his chamber.

On the next day the lords met in council, and presented a favourable report to the Queen, who said she would pause and consider it, Essex still continuing captive in his chamber, (*e*) from whence the Queen ordered him to be committed into custody, lest, having his liberty, he might be far withdrawn from his duty through the corrupt counsels of turbulent men, not however to any prison, lest she might seem to destroy all hope of her ancient favor, but to the Lord Keeper's, at York House, to which in the afternoon he was taken from Nonsuch. (*f*)

To York House.

Bacon's steady friendship again manifested itself. He wrote to Essex the moment he heard of his arrival, and in an interview between them, he urged the advice which he had communicated in his letter. This letter and advice are fortunately preserved. In his letter he says: My Lord, conceiving that your lordship came now up in the person of a good servant to see your sovereign mistress, which

Bacon's steady friendship.

(*b*) See Sydney Papers, 117—127. Camden and Birch.

(*c*) See Sydney Papers. Michaelmas day at noon, (vol. ii. p. 127) containing the account of the different persons who hastened to court on that day.

(*d*) Sydney Papers, vol. ii. p. 129.

(*e*) Sydney Papers, 130—133 (*f*) Sydney Papers, 131-9.

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kind of compliments are many times "instar magnorum meritorum;" and therefore that it would be hard for me to find you, I have committed to this poor paper the humble salutations of him that is more yours than any man's, and more yours than any man. To these salutations, I add a due and joyful gratulation, confessing that your lordship, in your last conference with me before your journey, spake not in vain, God making it good, that you trusted we should say, "quis putasset?" Which, as it is found true in a happy sense, so I wish you do not find another "quis putasset," in the manner of taking this so great a service; but I hope it is as he said, "nubecula est citò transibit;" and that your lordship's wisdom and obsequious circumspection and patience will turn all to the best. So referring all to some time that I may attend you, I commit you to God's best preservation.

And his advice is thus stated by Bacon: "Well, the next news that I heard, was that my lord was come over, and that he was committed to his chamber for leaving Ireland without the Queen's licence: this was at Nonsuch, where (as my duty was) I came to his lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course that was taken with him; I told him: My lord, *nubecula est, cito transibit:* it is but a mist; but shall I tell your lordship it is as mists are, if it go upwards, it may perhaps cause a shower, if downwards it will clear up. And therefore, good my lord, carry it so, as you take away by all means all umbrages and distastes from the Queen, and especially if I were worthy to advise you, (as I have been by yourself thought, and now your question imports the continuance of that opinion) observe three points: first, make not this cessation or peace, which is concluded with Tyrone, as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the Queen any necessity of estate, whereby,

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as by a coercion or wrench, she should think herself enforced to send you back into Ireland; but leave it to her. Thirdly, seek access, importune, opportune, seriously, sportingly, every way. I remember my lord was willing to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but sure I am, he did just contrary in every one of these three points."(*a*)

Private investigation in Star Chamber.

After his committal to the Lord Keeper's there was great fluctuation of opinion with respect to his probable fate. On one day the hope of his restoration to favour prevailed; on the next, as the Queen, by brooding over the misconduct of Essex, by additional accounts of the consequences of his errors in Ireland, by turbulent speeches and seditious pamphlets, was much exasperated, his ruin was predicted. Pamphlets were circulated and suppressed; there were various conferences at York House between the different statesmen and Essex; and it was ultimately determined that the matter should be investigated, not by public accusation, but by a declaration in the Star Chamber, in the absence of Essex, of the nature of his misconduct. Such was the result of the Queen's conflict between public opinion and her affection for Essex. (*b*)

Bacon objects.

In this perplexity she consulted Bacon, who from this, and from any proceeding, earnestly dissuaded the Queen, and warned her that, from the popularity of Essex and this unusual mode of accusation, it would be said that justice had her balance taken from her; and that, instead of promoting, it would interrupt the public tranquillity. She heard and was offended with his advice, and acted in direct opposition to it. At an assembly of privy councellors, of judges, and of statesmen, held on the 30th of November, they declared, without his being heard in his defence, the nature of Essex's misconduct; a proceeding which, as

A. D. 1597.

(*a*) Bacon's Apology, vol. vi. p. 254. (*b*) Sydney Papers, 131—139.

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Bacon foretold, and which the Queen too late acknowledged, aggravated the public discontent. At this assembly Bacon was not present, which, when his absence was mentioned by the Queen, he excused by indisposition. (*g*)

Bacon's account of this proceeding is as follows: "Immediately after the Queen had thought of a course (which was also executed) to have somewhat published in the Star Chamber, for the satisfaction of the world, touching my lord of Essex his restraint, and my lord of Essex not to be called to it, but occasion to be taken by reason of some libels then dispersed; which when her majesty propounded unto me, I was utterly against it, and told her plainly that the people would say, that my lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defence, with many other quick and significant terms to that purpose; insomuch that I remember I said, that my lord *in foro famæ* was too hard for her; and therefore wished her, as I had done before, to wrap it up privately: and certainly I offended her at that time, which was rare with me; for I call to mind that both the Christmas, Lent, and Easter Term following, though I came divers times to her upon law business, yet me thought her face and manner was not so clear and open to me, as it was at the first. But towards the end of Easter term, her majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star Chamber had done no good, but rather kindled factious bruits, as she termed them, than quenched them." (*h*)

If the partizans of Essex had acted with the cautious wisdom of Bacon, the Queen's affections undisturbed would have run kindly into their old channel, but his

(*g*) Bacon's Apology, vol. vi. p. 262.

(*h*) Sydney Papers, vol. ii. p. 138—164.

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followers, by new seditious discourses and offensive placards, never gave her indignation time to cool. About Christmas, Essex from agitation of mind, and protracted confinement, fell into a dangerous illness, and the Queen sent to him some kind messages by her own physician, but his enemies persuaded her that his illness was partly feigned; and when at last his near approach to death softened the Queen in his favour, the injudicious expressions of those divines who publicly prayed for him, amounting to sedition, entirely hardened her heart against him. Upon the earl's recovery, and after some months patient endurance on his part, the Queen desired to restore him to favor; and on the 19th of March Essex was removed to his own house, in the custody of Sir Richard Barkley. (*i*)

Apology for Essex.

About three years previous to his accepting the command in Ireland, Essex published a tract, entitled "An Apologie of the Earl of Essex against(*k*) those which jealously and maliciously tax him to be the hinderer of the peace and quiet of his country." This tract originated, as it seems, in an admonition of Bacon's, which he thus states: "I remember, upon his voyage to the islands, I saw every spring put forth such actions of charge and provocation, that I said to him, my lord, when I came first unto you I took you for a physician that desired to cure the diseases of the state; but now I doubt you will be like those physicians which can be content to keep their patients low, because they would always be in request: which plainness he nevertheless took very well, as he had an excellent ear, and was *patientissimus veri*, and assured me the case of the realm required it; and I think this speech of mine, and the like renewed afterwards, pricked him to write that apology which is in many men's hands." (*l*)

(*i*) Sydney Papers, 149. (*k*) See note 3 V at the end.
(*l*) Bacon's Apology, vol. vi. p. 254.

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Essex had scarcely been liberated, when the Apology was reprinted by some injudicious partisan. The Queen, greatly exasperated, ordered two of the printers to be imprisoned, and meditated proceedings against Essex; but he having written to the Archbishop of Canterbury and various of his friends, and having ordered the publishers to suppress the work, the storm was averted.(*l*) The spirit in which the republication of this tract originated extended to the circulation of other libels,(*m*) so reflecting upon the conduct of the Queen, that she said the subject should be publicly examined; and, acknowledging the foresight of Bacon with respect to the former inquiry, she consulted him as to the expediency of proceeding by information.

Public proceeding against Essex.

Against this or any proceeding Bacon earnestly protested; and, although the honest expression of his sentiments so much offended the Queen that she rose from him in displeasure, it had the effect of suspending her determination for some weeks, though she ultimately ordered that Essex should be accused in the Star Chamber.

The following is Bacon's account of this resolution: "After this, during the while since my lord was committed to my Lord Keeper's, I came divers times to the Queen, as I had used to do, about causes of her revenue and law business: when the Queen at any time asked mine opinion of my lord's case, I ever in one tenor, besought her majesty to be advised again and again, how she brought the cause into any public question: nay, I went further, for I told her my lord was an eloquent and well spoken man, and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore wished the conclusion might be, that they might wrap it up privately

(*l*) Sydney Papers, vol. ii. 182-5-7, 191-2-3.
(*m*) Sydney Papers, vol. ii. 196 to 199.

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between themselves, and that she would restore my lord to his former attendance, with some addition of honour to take away discontent. But towards the end of Easter term her majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star Chamber had done no good, but rather kindled factious bruits (as she termed them) than quenched them, and therefore that she was determined now for the satisfaction of the world, to proceed against my lord in the Star Chamber, by an information *ore tenus*, and to have my lord brought to his answer; howbeit she said, she would assure me that whatsoever she did should be towards my lord *ad castigationem, et non ad destructionem*, as indeed she had often repeated the same phrase before: whereunto I said, to the end utterly to divert her, Madam, if you will have me speak to you in this argument, I must speak to you as Friar Bacon's head spake, that said first, Time is, and then Time was, and Time would never be; for certainly, said I, it is now far too late, the matter is cold, and hath taken too much wind; whereat she seemed again offended, and rose from me, and that resolution for a while continued; and after, in the beginning of Midsummer term, I attending her, and finding her settled in that resolution, which I heard of also otherwise, she falling upon the like speech, it is true, that seeing no other remedy, I said to her slightly, Why, madam, if you will needs have a proceeding, you were best have it in some such sort as Ovid spake of his mistress, *Est aliquid luce patente minus*, to make a council-table matter of it, and there an end; which speech again she seemed to take in ill part, but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star Chamber. Nevertheless, afterwards it pleased her to make a more solemn matter of the proceeding, and some few days after, when

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order was given that the matter should be heard at York House, before an assembly of councillors, peers, and judges, and some audience of men of quality to be admitted."(*n*)

Such were the measures adopted by the Queen to dispel, as she termed them, "the bruits and malicious imputations" of her people; but, jealous of their affections, she resented every murmur of public disapprobation by some new severity to Essex; and her conduct, neither marked by strict justice, or generous forgiveness, exhibited more of the caprice of an angry woman than the steady resentment of an offended monarch. What calamities would have been averted, if, instead of suffering herself to be hurried by this conflict of agitated feelings, the Queen had attended to the advice of Bacon, whose care for her honour, and love for his friend, might have been safely trusted, and who looking through the present, decided upon consequences with a certainty almost prophetic. The most profound statesman of the present day, possessed of all the light which history gives him, can add nothing to the prudent politic course which Bacon pointed out to the Queen. She rejected this advice with a blind despotism that would neither be counselled with or against her inclinations, and fearing and suspecting all around her, ruined the man she wished to save, and eventually made total wreck of her own peace of mind.

It was determined that proceedings should be instituted; but, as the Queen assured Bacon, only "ad *castigationem* non ad *destructionem*," not to taint the character of Essex, by which he might be rendered unable to bear office about her person, but before a selected council, "*inter domesticos parietes, non luce forensi.*"(*o*) This resolution having been formed, the Queen's counsel learned in the law, were

(*n*) See note 3 W at the end. (*o*) See 3 X at the end.

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assembled to determine upon the mode of proceeding. At this meeting, it was said (*p*) by one of the courtiers, that her majesty was not resolved whether Mr. Bacon should act in this trial as one of her counsel. What must have passed in his mind when he heard this observation! He knew enough of the common charities of courts to suspect every thing. He knew that the Queen looked with great jealousy and distrust at his having "crossed her disposition" by his steady friendship for Essex. He saw, therefore, that whether this remark was a stratagem to sound his intentions, or that some attempt had been made to ruin him in the Queen's opinion, by inducing her to suppose that he would sacrifice her to the popular clamour of which she was too sensible, it required his immediate and vigilant attention. In this situation of no common difficulty the conflict of his various duties, to the Queen, to Essex, and to himself, were instantly present to his mind.

Bacon counsel against Essex.

To the Queen he was under the greatest obligation: she was the friend of his father, and had been his friend from his infancy; she consulted with him in all her difficulties; she had conferred upon him a valuable reversion of 2000*l.* a year, had promoted him to be her counsel, and, what perhaps was her greatest kindness, instead of having hastily advanced him, she had, with a continuance of her friendship, made him bear the yoke in his youth. Such were his obligations to Elizabeth, of whom he never spoke but with affection for her virtues, and respect for her commanding intellect.

Bacon's obligation to the Queen.

He had also great esteem for the virtues of Essex, and great admiration of the higher powers of his mind. He felt for him with all the hopes and fears of a parent for a

Friendship for Essex.

(*p*) See note 3 Y at the end.

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wayward child, and with all the affection of a friend, from a deep feeling of his constant regard, and the grateful recollection of what, in the common world, would be deemed of more importance, an act of pecuniary kindness, not, as in these cases is generally supposed, to purchase, but to procure his liberty of thought and action.

Of his relative duties to the Queen and to Essex no man was a more competent judge than Bacon: no man was better, none so well grounded in the true rules of this difficult part of moral science. In his tract on Duty, in the Advancement of Learning, he truly says, "There is formed in every thing a double nature of good; the one as every thing is a total or substantive in itself, the other as it is a part or member of a greater body; whereof the latter is in degree the greater and the worthier. This double nature of good and the comparative thereof is much more engraven upon man, if he degenerate not, unto whom the conservation of duty to the public ought to be much more precious than the conservation of life and being, according to that memorable speech of Pompeius Magnus, when being in commission of purveyance for a famine at Rome, and being dissuaded with great vehemency and instance by his friends about him, that he should not hazard himself to sea in an extremity of weather, he said only to them, 'Necesse est ut eam non ut vivam.'" (r) And when Essex proffered him assistance, he, weighing these duties, admonished his friend that this was not to interfere with his duty to his sovereign. His words were, "I must and will ever acknowledge my lord's love, trust, and favour towards me, after the Queen had denied me the solicitor's place, when he said, You have spent your time and thoughts in my matters; I die, these were his very words, if I do not somewhat towards your fortune. My answer, I remember,

(r) See note 3 Z at the end.

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was that for my fortune it was no great matter; but that his lordship's offer (which was of a piece of land worth about £1800.) made me call to mind what was wont to be said when I was in France of the Duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations. He bad me take no care for that, and pressed it; whereupon I said, "my lord, I see I must be your homager, and hold land of your gift; but do you know the manner of doing homage in law? Always it is with a saving of his faith to the king and his other lords." (a)

Bacon's duty to himself.

His considerations were not, however, confined to his duties to the Queen and to Essex, but extended to the peculiar situation in which, with respect to his own worldly prospects, he was placed. He saw that, if he did not plead against Essex, all his hopes of advancement might, without any benefit to his friend, be destroyed; and that if he did plead against him, he should be exposed to obloquy and misrepresentation. The consideration of his worldly prospects were to him and to the community of great importance.

It is, perhaps, to be lamented that, formed for contemplation, he was induced, either by his necessities, or any erroneous notion of the virtue of activity, to engage in public life, but he was always unskilful to note the card of prudent lore, and it was his favourite opinion that, to dignify and exalt knowledge, contemplation and action should be nearly and strongly conjoined and united together: a conjunction like unto that of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action.

Having engaged and encountered all the difficulties of his profession, he was entitled, by his commanding intellect, to possess the power, which, although it had not prece-

(a) Bacon's Apology.

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dence in his thoughts, followed regularly in the train of his duty; not the common vulgar power, from ostentation, loving trivial pomp and city noise; or from ambition, which, like the sealed dove, mounts and mounts because it is unable to look about it; but power to advance science and promote merit, according to his maxim and in the spirit of his own words "detur digniori."(s) "Power to do good is the true and lawful end of aspiring; for good thoughts, though God accept them, yet towards men are little better than good dreams, except they be put in act; and that cannot be without power and place, as the vantage and commanding ground." With these prospects before him he could not be so weak as hastily to abandon them, by yielding to that generous illusion by which the noblest minds are often raised in their own esteem by imagined disinterestedness.

His professional duties.

With respect to his professional duties he was in less difficulty. He knew that his conduct would be subject "to envy and peril," but knowing also that these aspersions would originate in good feeling, in the supposition of ingratitude and disregard of truth, he could not be alarmed at the clamours of those who knew not what they did. To consider every suggestion, in favour and in opposition to any opinion is, according to his doctrine in the Novum Organum, the only solid foundation upon which any judgment, even in the calm inquiries of philosophy, can be formed. In public assemblies, therefore, agitated by passions by which the progress of truth is disturbed, he of all men knew and admired the wise constitution of our courts,(t) in which it has been deemed expedient, that, to elicit truth, the judge should hear the opposite statements of the same(t) or of different powerful disinterested minds, who may be more able than

(s) See note 4 A at the end.

(t) See note 4 B at the end.

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the suitors to do justice to the causes upon which their interests depend. A more efficacious mode to disentangle difficulty, to expose falsehood, and discover truth, was, perhaps, never devised. It prevents the influence of passions by which truth may be impeded, and calls in aid every intellectual power by which justice may be advanced. He was not likely, therefore, to be moved by the censures of those who, ignorant of the principle upon which this practice is founded, imagine advocates to be indiscriminate defenders of right and wrong, (*x*) instead of being officers assisting in the administration of justice, and acting under the impression that truth is best discovered by powerful statements on both sides of the question. He was not likely to be moved by that ignorant censure which mixes the counsel with his client, instead of knowing that the advocate is indifferent on which side he pleads, whether for the most unfortunate or the most prosperous, for the most virtuous or the most abandoned member of the community; and that, if he were not indifferent,—if he were to exercise any discretion as to the party for whom he pleads, the course of justice would be interrupted by prejudice to the suitor, and the exclusion of integrity from the profession. The suitor would be prejudiced in proportion to the respectability of the advocate who had shrunk from his defence, and the weight of character of the counsel would be evidence in the cause. Integrity would be excluded from the profession, as the counsel would necessarily be associated with the cause of his client; with the slanderer, the adulterer, the murderer, or the traitor, whom it may be his duty to defend.

Such were the various conflicting duties by which a common mind might have been perplexed; but, strong in

(*x*) See note 4 B at the end.

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knowledge, he, without embarrassment, looked steadily at the undefined shapes of difficulty and danger, of possible mistake or mischance, and, without any of the vacillation in which contemplative genius is too apt to indulge, he saw instantly the path of his duty, and steadily advanced in it. He saw that, if he acted in obedience to general rules, he ought neither to desert the Queen, or to bereave himself of the power to do good. If, not adhering to general rules, he exercised his own understanding upon the particular circumstances of the case, he saw that, by yielding to popular feeling, he might gain momentary applause, might leave Essex to a merciless opponent, and, by depriving himself of all influence over the Queen, might sacrifice his friend at the foot of the throne.

Bacon's Letter to the Queen.

He therefore wrote instantly to the Queen, and, by this sagacious and determined conduct, having at once defeated the stratagems by which it was vainly hoped that he would be entangled, he, regardless of the senseless clamour of those who praise they know not what, and know not whom; of those who could neither be put in possession of his real sentiments towards Essex, or the private communications on his behalf with the Queen, went right onward with his own, and the approbation of intelligence.

The following is Bacon's own account of this extraordinary event:—And then did some principal counsellors send for us of the learned counsel, and notify her majesty's pleasure unto us: save that it was said to me openly by one of them, that her majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that, I hear, is raised of me, how I was a suitor to be used against my lord of Essex at that time; for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distaste

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and distrust, in crossing her disposition, by standing steadfastly for my lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliment, signifying to her majesty, "That if she would be pleased to spare me in my lord of Essex's cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her majesty to think that I knew the degrees of duties; and that no particular obligation whatsoever to any subject could supplant or weaken that entireness of duty that I did owe and bear to her and her service." And this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a farther reach in it; for I judged that day's work would be a full period of any bitterness or harshness between the Queen and my lord: and therefore, if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service.

The proceedings after this communication to the Queen are thus stated by Bacon:—"Hereupon the next news that I heard was, that we were all sent for again; and that her majesty's pleasure was, we all should have parts in the business; and the lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriage of my lord, in giving occasion and countenance to a seditious pamphlet, as it was termed, which was dedicated unto him, which was the book before mentioned of King Henry IV. Whereupon I replied to that allotment, and said to their lordships, That it was an old matter, and had no manner of coherence with the rest of the charge, being matters of Ireland: and therefore, that I having been wronged by bruits before, this would expose

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me to them more; and it would be said I gave in evidence mine own tales. It was answered again with good shew, that because it was considered how I stood tied to my lord of Essex, therefore that part was thought fittest for me, which did him least hurt; for that whereas all the rest was matter of charge and accusation, this only was but matter of caveat and admonition. Wherewith though I was in mine own mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others; yet the conclusion binding upon the queen's pleasure directly, 'volens nolens,' I could not avoid that part that was laid upon me." (*a*)

June, 1600. Æt. 40 Trial of Essex.

On the 5th of June, 1600, this trial took place. It was marked by the same indecision that had characterised the whole of the Queen's conduct. To give effect to her wishes that Essex should be censured, not sentenced, each man had his part allotted; and lest this mark of her disapprobation should hereafter be urged against him, she commanded that no official record should be kept of the proceedings, that he might not be rendered incapable of bearing office in her household.

The privy council met at the lord keeper's house, and were assisted by noblemen selected for that purpose. The commissioners were eighteen, the auditory about two hundred; there was much state and solemnity in the assembly, and much humility and contrition on the part of Essex, who knelt while the commission was opened, and so remained till he had leave to rise. From this mode of conduct, which, doubtless, had been prescribed to him, he never departed but once during his examination, and he was then reminded by the lord treasurer of the course he was expected to pursue.

(*a*) See Bacon's Apology, vol. vi. 264.

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The case was opened by a statement, that "to command down the winds of malicious and seditious rumours wherewith men's conceits may have been tossed to and fro, the Queen was pleased to call the world to an understanding of her princely course held towards the Earl of Essex, as well in herebefore protracting, as in now proceeding against him, not in the ordinary and open place of offenders and criminals, which might leave a taint upon his honour, but, on account of his penitence and submission, her majesty had ordered that the hearing should be before a great, honourable, and selected council, a full and deliberate, and yet in respect a private, mild, and gracious hearing." The chief heads of the accusation were then stated by the lawyers, who, with the exception of Bacon, either not in the court secret, or disregarding their instructions, pursued their argument with their usual pertinacity, coloured by the respective characters of the men, and of course, by Sir Edward Coke, with his accustomed rancour. Bacon, on the contrary, though he was favoured with a part of the charge least likely to be injurious to Essex, still complained that he might injure his friend, and, though in array against him, evidently fought on his side. (*a*)

To those persons present who were not already apprised of the Queen's wishes, Bacon's speech would be considered more consistent with his affection for his friend than his duty to the Queen, as it was constructed as much as possible to do him service. "I hope," he said, "that my lord Essex himself, and all who now hear me, will consider that the particular bond of duty, which I do now, and ever will acknowledge that I owe unto his lordship, must be sequestered and laid aside, in discharge of that higher duty, which we all owe unto the Queen, whose grace and

(*a*) See note 4 C at the end for a full account of the trial.

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mercy I cannot enough extol; whereof the earl is a singular work, in that, upon his humble suit, she is content not to prosecute him in her court of justice, the Star Chamber, but, according to his own earnest desire, to remove that cup from him, for those are my lord's own words, and doth now suffer his cause to be heard *inter privatos parietes*, by way of mercy and favour only, where no manner of disloyalty is laid to his charge, for if that had been the question this had not been the place." In this strain he proceeded through the whole of his address.

He constantly kept in view the Queen's determination neither to injure her favourite in person nor in purse; he averred that there was no charge of disloyalty; he stated nothing as a lawyer; nothing from his own ingenious mind; nothing that could displease the Queen; he repeated only passages from letters, in the Queen's possession, complaining of her cruelty and obduracy; topics which she loved to have set forth in her intercourse with a man whom she was thought to have too much favoured; he selected the most affecting expressions from the earl's letter, and though he at last performed his part of the task, by touching upon Hayward's book, he established in the minds of the hearers the fact that Essex had called in the work a week after he learnt that it was published.

To those who are familiar with Bacon's style, and know the fertility of his imagination, and the force of his reasoning, it is superfluous to observe that he brought to this semblance of a trial only the shadow of a speech; and that under the flimsy veil of an accuser there may easily be detected the face of a friend.

In answer to these charges, Essex, on his knees, declared that, ever since it had pleased her majesty to remove that cup from him, he had laid aside all thought of justifying himself, or of making any contestation with his sovereign;

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that he had made a divorce between himself and the world, and that, rather than bear a charge of disloyalty or want of affection, he would tear his heart out of his breast with his own hands. The first part of his defence drew tears from many of the hearers; but, being somewhat touched by the sharp speeches and rhetorical flourishes of his accusers, he expressed himself with so much heat, before he had gone half through with his reply, that he was interrupted by the lord keeper, who told him "this was not the course to do him good; that he would do well to commit himself to her majesty's mercy; that he was acquitted by all present of disloyalty, of which he did not stand charged, but of disobedience and contempt; and if he meant to say that he had disobeyed, without an intention of disobedience, it was frivolous and absurd."

In pronouncing the censure, the lord keeper declared, that if Essex had been tried elsewhere, and in another manner, a great fine and imprisonment for life must have been his sentence, but as he was in a course of favour, his censure was, "That the Earl of Essex should be suspended from his offices, and continue a prisoner in his own house till it pleased her majesty to release him." The Earl of Cumberland declared, that, if he thought the censure was to stand, he would ask more time, for it seemed to him somewhat severe; and intimated how easily a general commander might incur the like, but, in confidence of her majesty's mercy, he agreed with the rest.

Of this day's proceedings a confused and imperfect account has been published by several historians,(a) and an unfair view taken of the conduct of Bacon, who could not have any assignable motive for the course they have attributed to him. The Queen was evidently determined to

(a) See particularly Hume.

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protect her favourite. The Cecils had abated their animosity. The people were anxious for his reinstatement. Anthony Bacon was at this time living under the protection of Essex, and the brothers were in constant and affectionate intercourse.

6th June, 1600. The sentence had scarcely been pronounced, when Bacon's anxiety for his friend again manifested itself. On the very next day he attended the Queen, fully resolved to exert his utmost endeavours to restore Essex again to favour. The account of his interview with the Queen, from which his friendship and the Queen's affection for Essex may be seen, is thus stated by Bacon: "As soon as this day was past, I lost no time; but the very next day following, as I remember, I attended her majesty, fully resolved to try and put in ure my utmost endeavour, so far as I in my weakness could give furtherance, to bring my lord again speedily into court and favour; and knowing, as I supposed at least, how the Queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well I said to her, 'You have now, madam, obtained victory over two things, which the greatest princes in the world cannot at their wills subdue; the one is over fame; the other is over a great mind: for surely the world is now, I hope, reasonably well satisfied; and for my lord, he did shew that humiliation towards your majesty, as I am persuaded he was never in his lifetime more fit for your majesty's favour than he is now: therefore, if your majesty will not mar it by lingering, but give over at the best, and now you have made so good a full point, receive him again with tenderness, I shall then think, that all that is past is for the best.' Whereat, I remember, she took exceeding great contentment, and did often iterate and put me in mind, that she had ever said, that her proceedings

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should be 'ad reparationem,' and not 'ad ruinam;' as who saith, that now was the time I should well perceive that that saying of hers should prove true. And farther she willed me to set down in writing all that passed that day." (*a*)

In a few days Bacon waited upon the Queen with the narrative, who, upon hearing him read Essex's answer, which was his principal care, "was exceedingly moved in kindness and relenting," and said, "How well you have expressed my lord's part: I perceive old love will not easily be forgotten." Availing himself of these favourable dispositions, Bacon ventured to say to the Queen, "he hoped she meant that of herself;" and in the conclusion suggested that it might be expedient not to let this matter go forth to the public, since by her own command no record had been kept, and that it was not well to do that popularly which she had not suffered to be done judicially. The Queen assented, and the narrative was suppressed. (*b*)

(*a*) See Bacon's Apology, vol. vi. 266.

(*b*) Bacon's account is as follows:—I obeyed her commandment, and within some few days after brought her again the narration, which I did read unto her in two several afternoons; and when I came to that part that set forth my lord's own answer, which was my principal care, I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my lord: and told me afterwards, speaking how well I had expressed my lord's part, that she perceived old love would not easily be forgotten: whereunto I answered suddenly, that I hoped she meant that by herself. But in conclusion, I did advise her, that now she had taken a representation of the matter to herself, that she would let it go no farther: "For madam," said I, "the fire blazeth well already, what should you tumble it? And besides, it may please you to keep a convenience with yourself in this case; for since your express direction was, there should be no register nor clerk to take this sentence, nor no record or memorial made up of the proceeding, why should you now do that popularly, which you would not admit to be done judicially?" Whereupon she did agree that that writing should be suppressed; and I think there were not five persons that ever saw it.—Apology, vol. vi. 267.

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Obloquy of Bacon.

Amidst these exertions, known at that time only to the Queen, to Essex, and to his confidential friends, Bacon was exposed to great obloquy, and, at the time when he was thinking only how he could most and best serve his friend, he was threatened by the populace with personal violence, as one who had deserted and betrayed him. Unmoved by such clamour, upon which he had calculated, (*a*) he went right onward in his course.

To Sir Robert Cecil, and to Lord Henry Howard, the confidential friend of Essex, and who had willingly shared his banishment from court, he indignantly complained of these slanders and threats. To Lord Howard he says: (*b*) "My Lord, There be very few besides yourself, to whom I would perform this respect. For I contemn *mendacia famæ*, as it walks among inferiors, though I neglect it not, as it may have entrance into some ears. For your lordship's love, rooted upon good opinion, I esteem it highly, because I have tasted the fruits of it; and we both have tasted of the best waters, in my account, to knit minds together. There is shaped a tale in London's forge, that beateth apace at this time, that I should deliver

(*a*) His Apology to the Earl of Devonshire contains various observations to this effect:—I was not so unseen in the world, but I knew the condition was subject to envy and peril, &c. but I resolved to endure it, in expectation of better. Acording to the ordinary charities of court, it was given out, that I was one of them that incensed the Queen against my lord of Essex; and I must give this testimony to my lord Cecil, that one time in his house at the Savoy he dealt with me directly, and said to me, "Cousin, I hear it, but I believe it not, that you should do some ill office to my lord of Essex; for my part, I am merely passive, and not active in this action; and I follow the Queen, and that heavily, and I lead her not; my lord of Essex is one that in nature I could consent with as well as with any one living; the Queen indeed is my sovereign, and I am her creature, I may not lose her, and the same course I would wish you to take." Whereupon I satisfied him how far I was from any such mind.

(*b*) Birch, 459.

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opinion to the Queen, in my lord of Essex' cause. First, that it was premunire, and now last, that it was high treason; and this opinion, to be in opposition and encounter of the Lord Chief Justice's opinion, and the Attorney General's. My lord, I thank God, my wit serveth me not to deliver any opinion to the Queen, which my stomach serveth me not to maintain: one and the same conscience of duty guiding me and fortifying me. But the untruth of this fable, God and my sovereign can witness, and there I leave it; knowing no more remedy against lies than others do against libels. The root, no question of it is, partly some light-headed envy at my accesses to her majesty; which being begun, and continued since my childhood, as long as her majesty shall think me worthy of them, I scorn those that shall think the contrary. And another reason is, the aspersion of this tale, and the envy thereof, upon some greater man, in regard of my nearness. And therefore, my lord, I pray you answer for me to any person that you think worthy your own reply and my defence. For my lord of Essex, I am not servile to him, having regard to my superior's duty. I have been much bound unto him; and, on the other side, I have spent more time and more thoughts about his well doing than ever I did about mine own. I pray God you his friends amongst you be in the right. *Nulla remedia, tam faciunt dolorem, quam quæ sunt salutaria.* For my part, I have deserved better than to have my name objected to envy, or my life to a ruffian's violence. But I have the privy coat of a good conscience. I am sure these courses and bruits hurt my lord more than all. So having written to your lordship, I desire exceedingly to be preferred in your good opinion and love. And so leave you to God's goodness." (*x*)

(*x*) The letter to Sir Rob. Cecil is to the same effect. See vol. xii. p. 168.

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The answer of Lord Howard to this letter, the best answer that could be made to the slanderers of whom Bacon complains, is as follows: "I might be thought unworthy of that good conceit you hold of me, good Mr. Bacon, if I did not sympathize with so sensitive a mind in this smart of wrongful imputation of unthankfulness. You were the first that gave me notice, I protest, at Richmond of the rumour, though within two days after I heard more than I would of it; but as you suffer more than you deserve, so I cannot believe what the greedy malice of the world hath laid upon you. The travels of that worthy gentleman in your behalf, when you stood for a place of credit; the delight which he hath ever taken in your company; his grief that he could not seal up assurance of his love by fruits, effects, and offices proportionable to an infinite desire; his study, in my knowledge, to engage your love by the best means he could devise, are forcible persuasions and instances to make me judge that a gentleman so well born, a wise gentleman so well levelled, a gentleman so highly valued by a person of his virtue, worth, and quality, will rather hunt after all occasions of expressing thankfulness, so far as duty doth permit, than either omit opportunity or increase indignation. No man alive out of the thoughts of judgment, the ground of knowledge, and lesson of experience, is better able to distinguish betwixt public and private offices, and direct measure in keeping a measure in discharge of both, to which I will refer you for the finding out of the golden number. In my own particular opinion I esteem of you as I have ever done and your rare parts deserve; and so far as my voice hath credit, justify your credit according to the warrant of your profession, and the store of my best wishes in all degrees towards you, &c. My credit is so weak in working any strange effect of friendship where I would do most, as to

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speak of blossoms without giving tastes of fruits were idleness; but if you will give credit to my words, it is not long since I gave testimony of my good affection in the ear of one that neither wants desire nor means to do for you. Thus wishing to your credit that allowance of respect and reverence which your wise and honest letter doth deserve, and resting ever ready to relieve all minds (so far as my ability and means will stretch) that groan under the burthen of undeserved wrong, I commend you to God's protection and myself to the best use you will make of me. In haste from my lodging," &c.

The partizans of Essex again interfered, to raise the flames which Bacon had so judiciously suppressed, and again were the Queen's ministers compelled to check their imprudence.

On the 12th of June, the lord keeper, in his usual speech in the Star Chamber to the country gentlemen, mentioned the late proceeding against the Earl of Essex, who, he observed, had acknowledged his errors, and expressed his sorrow for them; but that some wicked persons had intermeddled by libelling what her majesty had done in that point, which occasioned a proclamation to be published against such seditious practices. (*a*) June 12, 1600.

Notwithstanding this ill-advised conduct, the Queen was desirous to remove from Essex the restraint of a keeper, when her indignation was again excited by a rumour, that Essex had been duly authorized by her to create knights, though his having conferred that honour had been made a charge against him before the commissioners. In the first moment of her displeasure she determined to rescind the honours he had bestowed. Bacon advised her against this step, and recommended that a letter written

(*a*) Sydney Papers, vol. ii. 201.

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by her own hand to Essex, when in Ireland, should be made public, in which she had commanded to the contrary. Upon sending to Essex for her letter, he returned a submissive reply, but said that it was either lost or mislaid; and, though her anger was great at the non-production of this document, she, early in the next month, ordered him to be liberated from his keeper, but not to quit London. (*b*)

Upon this release, which his declining health rendered necessary, he solicited permission to retire to the house of a relation near Reading; a permission which the Queen, although she commanded him to dismiss two of his friends from his service, and although disturbed and displeased, seemed inclined to grant, as she listened to friendly communications made on his behalf, and received letters from him, (*c*) in which, having discovered the wisdom of his friend's advice, "that the Queen could not be controlled by resistance," (*d*) he was endeavouring to regain by obsequiousness the ascendancy which he had lost by his rude

(*b*) Sydney Papers, p. 204. Her majesty is greatly troubled with the last number of knights made by the Earl of Essex in Ireland, and purposes, by public proclamation, to command them from the place due to their dignity; and that no ancient gentleman of the kingdom gave them any place. The warrant was signed, as I heard; but by Mr. Secretary's very special care and credit, it is stayed till Sunday the lords meet in court. Mr. Bacon is thought to be the man that moves her majesty unto it, affirming, that by the law the earl had no authority to make them, being by her majesty's own letter, of her own hand written, commanded the contrary.

Her Majesty had ordered the Lord Keeper to remove my lord of Essex's keeper from him; but awhile after, being somewhat troubled with the remembrance of his making so many knights, made a stay of her former order, and sent unto the earl for her own letter, which she writ unto him to command him to make none. But, with a very submissive letter, he returned answer that he had lost it or mislaid it, for he could not find it, which somewhat displeases her majesty. As yet his liberty stands upon these terms, &c. &c.—28 June, 1600.

(*c*) Sydney Papers, 205-7-8-12.

(*d*) Ante, page xlv.

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and headstrong violence; assuring the Queen, "that he kissed her royal hand and the rod which had corrected him; that he could never recover his wonted joy till he beheld her comfortable eyes, which had been his guiding stars, and by the conduct whereof he had sailed most happily whilst he held his course in a just latitude; that now he was determined to repent him of his offence, and to say with Nebuchodonosor, my dwelling is with the beasts of the field, to eat grass as an ox, and to be wet with the dew of heaven, till it shall please the Queene to restore my understanding to me."(*a*)

This abasement gratified Elizabeth, who said, "though she did not expect that his deeds would accord with his words, yet, if this could be brought to pass with the fur-

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(*a*) Camden, 169. Birch's Elizabeth, 461. One of the letters written by Mr. Francis Bacon for the earl, and printed among the works of the former, beginning with these words, "It were great simplicity in me," &c. is much inferior to what the earl himself would have written. But there are two others, which appear to have come from his lordship's own hand, and have not yet been seen in print. The first is in these terms:

"Let me beg leave, most dear and most admired sovereign, to remember the story of your own gracious goodness, when I was even at the mouth of the grave. No worldly means had power to stay me in this world but the comfort which I received from your majesty. When I was weak and full of infirmities, the increase of liberty which your majesty gave, and the gracious message which your majesty sent me, made me recover in a few weeks that strength, which my physicians in a long time durst not hope for. And now, lastly, when I should be for ever disabled for your majesty's service, and by consequence made unwilling to live, your majesty at my humble supplication granted, that that cup should pass from me. These are deeply engraven in my memory, and they shall ever be acknowledged by my tongue and pen. But yet after all these, without one farther degree of your mercy, your servant perisheth. *Indignatio principis mors est.* He cannot be said to live, that feels the weight of it. What then can your majesty think of his state, that hath thus long lived under it, and yet sees not your majesty reach out your fair hand to take off part of this weight? If your majesty could know what I feel, your sweet and excellent nature could not but be compassionate. I dare not lift up my voice to speak, but my humble (now exiled, though once too happy) eyes are lifted up, and

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nace, she should be more favourable to the profession of alchemy."

Bacon, who was too wise to cross Elizabeth in the spring-tide of her anger, without waiting till it was ebbing-water, now exerted all his power to reconcile her to her favourite, whom, in his many accesses to the Queen, he availed himself of every opportunity to serve; and, although he could not, without exciting her displeasure, directly communicate with him, he, by the intervention of a friend, regularly acquainted him with the progress he made in abating the Queen's anger; and, the moment he was restored to liberty, the assurances of his exertions were repeated by letter, and through the whole summer were regularly imparted to Essex. (*b*)

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speak in their dumb language, which your majesty will answer your own chosen time. Till then no soul is so afflicted as that of

" Your Majesty's humblest vassal, Essex.

The other letter was written on the 17th of November, the anniversary of her accession to the throne:

" Vouchsafe, dread sovereign, to know there lives a man, though dead to the world, and in himself exercised with continual torments of body and mind, that doth more true honour to your thrice blessed day, than all those that appear in your sight. For no soul had ever such an impression of your perfections, no alteration shewed such an effect of your power, nor no heart ever felt such a joy of your triumph. For they that feel the comfortable influence of your majesty's favour, or stand in the bright beams of your presence, rejoice partly for your majesty's, but chiefly for their own happiness. Only miserable Essex, full of pain, full of sickness, full of sorrow, languishing in repentance for his offences past, hateful to himself, that he is yet alive, and importunate on death, if your favour be irrevocable; he joys only for your majesty's great happiness and happy greatness: and were the rest of his days never so many, and sure to be as happy as they are like to be miserable, he would lose them all to have this happy 17th day many and many times renewed with glory to your majesty, and comfort of all your faithful subjects, of whom none is accursed but your Majesty's humblest vassal, Essex."

(*b*) See note 4 D at the end.

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In the same spirit, and with the same parental anxiety by which all Bacon's conduct had been influenced, he wrote two letters, one as from Anthony Bacon to Essex, the other from Essex, in answer, both to be shown by Bacon to the Queen; and prepared a letter to be sent by Essex directly to her majesty, (*c*) the scope of which were, says Bacon, "but to represent and picture forth unto her majesty my lord's mind to be such, as I knew her majesty would fainest have had it: which letters whosoever shall see, for they cannot now be retracted or altered, being by reason of my brother's or his lordship's servants' delivery, long since come into divers hands, let him judge, especially if he knew the Queen, and do remember those times, whether they were not the labours of one that sought to bring the Queen about for my lord of Essex his good." (*d*)

To such expedients did his friendship for Essex induce him to submit: expedients, which, however they may be sanctioned by the conduct of courtiers, stooping, as they suppose, to occasions not to persons, (*x*) but ill accord

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(*c*) See note 4 E at the end.

(*d*) In another part of his Apology he says: "And I drew for him, by his appointment, some letters to her majesty; which though I knew well his lordship's gift and style was far better than mine own, yet, because he required it, alleging, that by his long restraint he was grown almost a stranger to the Queen's present conceits, I was ready to perform it; and sure I am, that for the space of six weeks or two months it prospered so well, as I expected continually his restoring to his attendance."

(*x*) See the Advancement of Learning (vol. ii. page 33), under the head of objections to learning from the manners of learned men. The passage begins "not that I," and ends, "these stoopings to points of necessity and convenience, though they may have some outward baseness, yet in a judgment truly made, they are to be accounted submissions to the occasion, not to the person." The nature of this debasement is powerfully stated in an essay upon the Regal Character, by William Hazlitt, in page 336 of his Political Essays.

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with the admonition of Bacon's philosophy, that "the honest and just bounds of observation by one person upon another, extend no further but to understand him sufficiently, whereby not to give him offence; or whereby to be able to give him faithful counsel; or whereby to stand upon reasonable guard and caution with respect to a man's self: but to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous." (*a*) Such is Bacon's doctrine, but having, as it appears, in his youth, taken an unfortunate bias from the censures of Burleigh and Cecil, and from the frequent assertions of Elizabeth, that he was without knowledge of affairs, he affected, through the whole of his life, an over-strained refinement in trifles, and a political subtlety, which never failed to awaken the suspicions of his enemies, and was altogether unworthy of his great mind.

From these various efforts Bacon indulged the most flattering hopes of the restoration of his friend to the Queen's favour, in which, if Essex had acted with common prudence, he would have succeeded; though the Queen kept alive her displeasure by many passionate expressions, "that he had long tried her anger, and she must have further proof of his humility, and that her father would not have endured his perverseness;" but Bacon, who knew the depths and soundings of the Queen's character, was not dismayed by these ebullitions; he saw, under the agitated surface, a constant under-current of kindness.

Bacon's account is as follows: "From this time forth, during the whole latter end of that summer, while the court was at Nonsuch and Oatlands, I made it my task and scope to take and give occasions for my lord's redinte-

(*a*) Advancement of Learning, vol. ii. p. 30.

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gration in his fortunes: which my intention, I did also signify to my lord as soon as ever he was at his liberty, (a) whereby I might without peril of the Queen's indignation write to him; and, having received from his lordship a courteous and loving acceptation of my good will and endeavours, I did apply it in all my accesses to the Queen, which were very many at that time; and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my lord from time to time faithful advertisement what I found, and what I wished. And I drew for him, by his appointment, some letters to her majesty; which, though I knew well his lordship's gift and style was far better than mine own, yet, because he required it, alleging, that by his long restraint he was grown almost a stranger to the Queen's present conceits, I was ready to perform it; and sure I am, that for the space of six weeks or two months, it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the Queen, nor more made of, than when I spake fullest and boldest for him: in which kind the particulars were exceeding many; whereof, for an example, I will remember to your lordship one or two. As at one time, I call to mind, her majesty was speaking of a fellow that undertook to cure, or at least to ease my brother of his gout, and asked me how it went forward; and I told her majesty, that at the first he received good by it, but after in the course of his cure he found himself at a stay, or rather worse: the Queen said again 'I will tell you, Bacon, the error of it: the manner of these physicians, and especially these empirics, is to continue one kind of medicine, which at the first is proper, being to

(a) See note 4 E at the end.

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draw out the ill humour; but after, they have not the discretion to change the medicine, but apply still drawing medicines, when they should rather intend to cure and corroborate the part.'(a) 'Good Lord! madam,' said I, 'how wisely and aptly can you speak and discern of physic ministered to the body, and consider not that there is the like occasion of physic ministered to the mind: as now in the case of my lord of Essex, your princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humour sufficiently; and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did apply and minister strength and comfort unto him: for these same gradations of yours are fitter to corrupt than correct any mind of greatness.'"

August, 1600. Essex liberated.

In the latter end of August Essex was summoned to attend at York House, where the Lord Keeper, the Lord Treasurer, and Secretary signified the Queen's pleasure that he should be restored to liberty. He answered that his resolution was to lead a retired life in the country, but solicited them to intercede with her majesty that, before his departure, he might once come into the presence of the Queen, and kiss her hand, that with some contentment, he might betake himself to his solitary life: hopes which, however, seemed not likely to be realized, (d) as the Queen's permission for him to retire into the country was accompanied with the declaration, that, although her majesty was contented that he should be under no guard but of duty and discretion, yet he must in no sort suppose that

(a) See Advancement of Learning, under the title Cure of Diseases, vol. ii. p. 166.

(d) Sydney Papers, 213.

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he was freed of her indignation, or presume to approach the court, or her person. (*m*)

Thus liberated, but not restored to the Queen's favour, he walked forth alone, without any greetings from his 'summer friends.' (*m*)

In the beginning of September Essex retired to the country, with the pleasing hope that the Queen's affection was returning, and that he would not only be received into favour, and restored to power, (*x*) but that, by the influence of this affection he might secure an object of the greatest importance, a renewal of his valuable patent for the monopoly of sweet wines, which, after having enriched him for years, was now expiring. September 1600.

Essex considered this renewal as one of the most critical events of his life, an event that would determine whether he might hope ever to be reinstated in his former credit and authority; but Elizabeth, though capable of strong attachments, inherited the haughty and severe temper of her father, and, being continually surrounded by the enemies of Essex, was persuaded that his lofty spirit was not sufficiently subdued; and when, at length, she was more favourably disposed towards him, he destroyed all that her own lurking partiality and the kindness of his friends had prepared for him by a letter, which, professing affection and seeking profit, was so deficient in good taste and in knowledge of the Queen's temper, that she saw, through all the expressions of his devotion and humility,

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(*m*) Original letters of Secretary Cecil to Sir George Carew, in the Lambeth Library, No. 604, fol. 23.

(*x*) Winwood's Memorials, vol. i. p. 254. Sir Henry Nevil to Mr. Winwood, 9th Sept. 1600, a long letter upon different subjects, thus concludes: "The Earl of Essex is gone to Ewelme, not without hope of some further grace shortly: there are many arguments that the Queen begins to relent towards him, and to wish him near her."

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a view only to his own interest. The Queen told me, says Bacon, "that my lord had written her some very dutiful letters, and that she had been moved by them, but when she took it to be the abundance of his heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines." To this complaint Bacon made the following characteristic and ingenious reply: "O Madam, how doth your majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards perfection, the other towards preservation: that to perfection, as the iron tendeth to the loadstone; that to preservation, as the vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold itself. And therefore, madam, you must distinguish my lord's desire to do you service, is as to his perfection that which he thinks himself to be born for; whereas his desire to obtain this thing of you, is but for a sustentation." (*t*)

The result, however, was, that hurt by this letter, she indignantly and somewhat coarsely refused his suit, saying, "that an unruly beast ought to be stinted of his provender." After a month's suspense, it was notified to him that the patent was confided to trustees for the Queen's use. (*y*)

Essex's violence. October, 1600.

In the storm that now gathered round Essex, the real state of his mind revealed itself. "When I expected," he said, "a harvest, a tempest has arisen to me; if I be wanting to myself, my friends, and my country, it is long of others, not of myself; let my adversaries triumph, I will not follow the triumphal chariot." He who had declared his willingness "to wander and eat grass with the beasts of the

(*t*) Apology, vol. vi. p. 2. (*y*) Camden, 170. Sydney Papers, 206.

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field, like Nebuchadnezzar, until the Queen should restore his senses," now, that this abject prostration proved fruitless, loudly proclaimed that "he could not serve with base obsequiousness; that he was thrust down into private life, and wrongfully committed to custody, and this by an old woman no less crooked in mind than in body." These ebullitions of peevish anger were duly repeated to the Queen by those who hoped for his utter ruin. Elizabeth, shocked at the ingratitude of a man upon whom she had lavished so many favours; whose repeated faults she had forgiven, till forgiveness became folly, now turned away with extreme indignation from all whom she suspected of urging one word in his favour; and, remembering the constant exertions which had ever been made by Bacon on his behalf, began to think of him with distrust and jealousy. She would not so much as look at him; and whenever he desired to speak with her about law business, sent him out slighting refusals.

Bacon, acting in obedience to his own doctrine, "that the best mean to clear the way in the wood of suspicion is frankly to communicate with the party who is suspect if he is of a noble nature,"(a) demanded the cause of this alienation, in an interview with the Queen, which he has thus related:—"Then, she remembering, belike, the continual, and incessant, and confident speeches and courses that I had held on my lord's side, became utterly alienated from me, and for the space of at least three months, which was between Michaelmas and New-year's-tide following, would not so much as look on me, but turned away from me with express and purposelike discountenance wheresoever she saw me; and at such time as I desired to speak with her about law business, ever sent me forth very

January, 1601. Æt. 41.

(a) See his Essay on Suspicion, vol. i. p. 113.

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slight refusals, insomuch as it is most true, that immediately after New-year's-tide I desired to speak with her; and being admitted to her, I dealt with her plainly, and said, Madam, I see you withdraw your favour from me, and now I have lost many friends for your sake, I shall lose you too: you have put me like one of those that the Frenchmen call *enfans perdus*, that serve on foot before horsemen, so have you put me into matters of envy without place, or without strength; and I know at chess a pawn before the king is ever much played upon: a great many love me not, because they think I have been against my lord of Essex; and you love me not, because you know I have been for him: yet will I never repent me that I have dealt in simplicity of heart towards you both, without respect of cautions to myself, and therefore *vivus videnque pereo.* If I do break my neck, I shall do it in a manner as Master Dorrington did it, which walked on the battlements of the church many days, and took a view and survey where he should fall: and so, Madam, said I, I am not so simple, but that I take a prospect of mine overthrow, only I thought I would tell you so much, that you may know that it was faith, and not folly that brought me into it, and so I will pray for you. Upon which speeches of mine, uttered with some passion, it is true her majesty was exceedingly moved; and accumulated a number of kind and gracious words upon me, and willed me to rest upon this, *Gratia mea sufficit*, and a number of other sensible and tender words and demonstrations, such as more could not be; but as touching my lord of Essex, *ne verbum quidem.* Whereupon I departed, resting then determined to meddle no more in the matter, as I saw that it would overthrow me, and not be able to do him any good."

Bacon's anguish, when he felt that the Queen's displeasure was gradually taking the form most to be dreaded,

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the cold and severe aspect of offended justice, can be conceived only by those who had seen his patient watchfulness over his wayward friend. Through the whole of his career, Bacon had anxiously pursued him, warning him, when it was possible, to prevent the commission of error; excusing him to his royal mistress when the warning had proved fruitless; hoping all things, enduring all things; but the time seemed fast approaching, when, urged by his own wild passions, and the ruffian crew that beset him, he would commit some act which would place him out of the pale of the Queen's mercy.

Irritated by the refusal of his patent, he readily listened to the pernicious counsels of a few needy and interested followers. Essex House had long been the resort of the factious and discontented; secretly courting the Catholics, and openly encouraging the Puritans, Essex welcomed all who were obnoxious to the court. He applied to the King of Scotland for assistance, opened a secret correspondence with Ireland, and, calculating upon the support of a large body of the nobility, conspired to seize the Tower of London and the Queen herself, and marshalled his banditti to effect his purposes.

The Queen, who had been apprised of the unusual concourse of persons to Essex House, was now fully acquainted with the extent of his treasons. In this emergency she acted with a firmness worthy of herself. She directed the Lord Mayor of London to take care that the citizens were ready, every man in his own house, to execute such commands as should be enjoined them. To Essex she sent the Lord Keeper, the Lord Chief Justice, and the Earl of Worcester, to learn the cause of this treasonable assembly. He said "that there was a plot against his life; that some were suborned to stab him in his bed; that he and his friends were treacherously dealt with, and that they were

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determined on resistance." Deaf to all remonstrances, and urged by his faction, he seized and confined the officers of state, and, without plan, without arms, and with a small body of conspirators, he proceeded into the city, calling upon the citizens to join him, but calling in vain. Disappointed in his hopes, and proclaimed a traitor, after a fruitless attempt to defend himself, he was seized, and committed to the Tower.

No man knew better, or felt more deeply the duties of friendship, than Bacon: he did not think friendships mere abstractions, metaphysical nothings, created for contemplation only; he felt, as he has taught, that friendship is the allay of our sorrows, the ease of our passions, the sanctuary of our calamities;(*a*) that its fruits are peace in the affections, counsel in judgment, and active kindness; the heart, the head, and the hand. His friendship, therefore, both in words and acts, Essex constantly experienced. In the wildest storm of his passions, while others suffered him to drive onward, the voice of the pilot might be heard, pointing out the sunken rocks which he feared would wreck him; and when, at last, bound hand and foot, he was cast at the feet of the Queen, to undergo her utmost indignation, he still walked with him in the midst of the fire, and would have borne him off unhurt, but for the evil spirits which beset him.

It is impossible to form a correct judgment of the conduct of Bacon at this unfortunate juncture, without considering the difficulties of his situation, and his conflicting duties. Men of the highest blood and of the fairest character were implicated in the treasons of Essex: men who were like himself highly favoured by the Queen, and in offices of great trust and importance. Bacon's obligations to Essex,

(*a*) See J. Taylor's beautiful Essay on Friendship.

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and his constant efforts to serve him were well known; and the Queen had of late looked coldly upon him, and might herself suspect his fidelity; for sad experience had proved to her that a monarch has no true friend. (*a*) In the interval between the commitment of Essex to the Tower, and his arraignment, Bacon must have become fully aware of the facts which would condemn Essex in the eyes of all good men, and render him amenable to the heaviest penalty of the law. Awakened as from a dream, with the startling truth that Essex was guilty as well as imprudent, he saw that all which he and others had deemed rashness was the result of a long concocted treason. In whatever light it could be viewed, the course which Essex had pursued was ruinous to Bacon. He had been bondsman again and again to the Queen for the love and duty of Essex; and now he had the mortification of discovering that, instead of being open and entire with him, Essex had abused his friendship, and had assumed the dissembling attitude of humility and penitence, that he might more securely aim a blow at the very life of his royal benefactress. This double treachery entirely alienated the affections of Bacon. He saw no longer the high-souled, chivalric Essex, open as the day, lucid as truth, giving both faults and virtues to the light, redeeming in the eyes of all men the bounty of

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(*a*) This day senight her Majestie was at Blackfriars, to grace the marriage of the Lord Herbert and his wife. The Bride mett the Queen at the Waterside, where my Lord Cobham had provided a Lectica, made like half a litter, wherein she was carried to my Lady Russell's by 6 Knights. After supper the Mask came in, as I writ in my last; and delicate it was, to see 8 Ladies soe prettily and richly attired. Mrs. Fitton leade, and after they had donne all their own ceremonies, these 8 Ladys Maskers choose 8 Ladies more to dawnce the measures. Mrs. Fitton went to the Queen and woed her to dawnce; her Majesty asked what she was; *Affection*, she said. *Affection!* said the Queen, *Affection is false.* Yet her Majestie rose and dawnced.—See also note 3 T at the end. Sidney Papers.

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the crown; he saw only an ungrateful man, whom the fiend ambition had possessed, and knew that the name of that fiend was "Legion."

19th Feb. 1601. On the 19th of February Essex and Southampton were arraigned, and, upon the trial, one of the conspirators, allured by the hope of life, made a full disclosure of all their treasons. (*a*)

Unable to deny facts clearly proved against him, Essex could insist only upon his motives, which he urged with the utmost confidence. He repeated his former assertion, that there was a plot against his life, and that Cecil, Cobham, and Raleigh had driven him to desperate measures. Bacon, who appeared as one of the counsel for the crown, resisted these imputations, and said, "It is evident, my lord of Essex, that you had planted in your heart a pretence against the government of your country; and, as Pisistratus, calculating upon the affections of the people, shewed himself wounded in the streets of Athens, so you entered the city with the vain hope that the citizens would join in your rebellion. Indeed, my lord, all that you have said, or can say in these matters are but shadows, and therefore methinks it were your best course to confess, and not to justify."

Essex here interrupted him, and said, "The speech of Mr. Bacon calls upon me to defend myself; and be it known, my lords, I call upon him to be a witness for me, for he being a daily courtier, and having free access to her majesty, undertook to go to the Queen in my behalf, and did write a letter most artificially, which was subscribed with my name, also another letter was drawn by him to occasion that letter with others that should come from his brother, Mr. Anthony Bacon, both which he shewed the Queen,

(*a*) See note 4 F at the end, for an account of the trial.

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and in my letter he did plead for me feelingly against those enemies, and pointed them out as particularly as was possible; which letters I know Mr. Secretary Cecil (*a*) hath seen, and by them it will appear what conceit Mr. Bacon held of me, so different from what he here coloureth and pleadeth against me." (*b*)

To this charge, urged in violation of the most sacred confidence, which Essex well knew would render Bacon obnoxious to the Queen, and suspected by all parties, he instantly and indignantly replied, "My lord, I spent more hours to make you a good subject, than upon any man in the world besides; but since you have stirred up this point, I dare warrant you this letter will not blush to see the light, for I did but perform the part of an honest man, and ever laboured to have done you good if it might have been, and to no other end; for what I intended for your good was wished from the heart, without touch of any man's honour." After this unjustifiable disclosure, which severed the last link between them, Bacon only spoke once, and with a bitterness that showed how deeply he was wounded. (*c*)

(*a*) Essex added to this charge against Bacon a charge calculated, if true, to ruin Cecil, whom he asserted to have said, that the Infanta of Spain had as much right to the crown of England as any of her competitors: a charge refuted by Cecil, with the spirit and dignity of conscious integrity. He said to the Earl of Essex, "For wit, wherewith you certainly abound, I am your inferior; I am inferior to you in nobility, yet noble I am; a military man I am not, and herein you go before me: yet doth my innocency protect me; and in this court I stand an upright man, and you a delinquent."

(*b*) See ante, p. lxxix.

(*c*) Years after the trial he complained of this injurious treatment to the Earl of Devonshire, and Camden says, "Surely all this was done like a friend, while he studied to put Essex in grace with the Queen." Camden concludes the narrative with these words: "These things whereat I was present myself, I have with uncorrupted fidelity compendiously related, and have willingly omitted nothing." Apology, p. 170, and Camden, p. 186.

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Through the whole trial Essex conducted himself with courage and firmness worthy of a better cause. Though assailed by the lawyers with much rancour, and harassed by the deepest search into his offences; though harshly questioned by his adversaries, and betrayed by his confederates, he stood at bay, like some noble animal, who fears not his pursuers, nor the death that awaits him; and when at last the deliberate voices of his fellow peers proclaimed him guilty, he heard the sentence with manly composure, and, without one thought of himself, sought only to save the life of his friend.

Bacon having obtained a remission of the sentence in favour of six persons(*a*) who were implicated, made one more effort to serve this unhappy nobleman. He says, "for the time which passed, I mean between the arraignment and my lord's suffering, I was but once with the Queen, at what time though I durst not deal directly for my lord as things then stood; yet generally I did both commend her majesty's mercy, terming it to her as an excellent balm that did continually distil from her sovereign hands, and made an excellent odour in the senses of her people: and not only so, but I took hardness to extenuate, not the fact, for that I durst not, but the danger, telling her that if some base or cruel minded persons had entered into such an action, it might have caused much blood and combustion: but it appeared well they were such as knew not how to play the malefactors, and some other words which I now omit."

25th Feb. 1601. All exertions however proved fruitless, for after much fluctuation on the Queen's part,(*b*) arising from causes variously stated by historians, Essex, on the 25th of February, was executed in the Tower.

The Queen having been coldly received by the citizens,

(*a*) Vol. vi. p. 273. (*b*) Camden, p. 187.

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after the death of Essex, or moved by some other cause, was desirous that a full statement should be made of the whole course of his treasons, and commanded Bacon to prepare it. He says, "her majesty taking a liking of my pen, upon that which I had done before concerning the proceeding at York House, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book,(*b*) which was published for the better satisfaction of the world: which I did but so, as never secretary had more particular, and express directions and instructions in every point how to guide my hand in it: and not only so, but after that I had made a first draught thereof and propounded it to certain principal councillors, by her majesties appointment, it was perused, weighed, censured, altered, and made almost a new writing, according to their lordships better consideration: wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of style in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the Queen herself, and some alterations made again by her appointment: after it was set to print, the Queen, who as she was excellent in great matters, so she was exquisite in small, noted that I could not forget my ancient respect to my Lord of Essex, in terming him ever my Lord of Essex, my Lord of Essex almost in every page of the book, which she thought not fit, but would have it made, Essex, or the late Earl of Essex: whereupon of force it was printed *de novo*, and the first copies suppressed by her peremptory commandment." He concludes the whole with these words, "had I been as well believed either by the Queen or by my lord, as I was well heard by

(*b*) See vol. vi. p. 274.

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them both, both my lord had been fortunate, and so had myself in his fortune."

Happier would it have been for the Queen, and her ill-fated favorite, had they listened to his warning voice. Essex paid the forfeiture of his unrestrained passions by the stroke of the axe, but Elizabeth suffered the lingering torture of a broken heart; the offended majesty of England triumphed, she "Queened it nobly," but the envenomed asp was in her bosom; she sunk under the consciousness of abused confidence, of ill-bestowed favors, of unrequited affection: the very springs of kindness were poisoned: suspicious of all around her, and openly deserted by those who hastened to pay court to her successor, her health visibly declined, and the last blow was given to her by some disclosure made on the deathbed of the Countess of Nottingham. Various rumours have arisen regarding this interview, and the cause of the Queen's grief; but the fatal result has never been doubted. From that day, refusing the aid of medicine, or food, or rest, she sat upon the floor of her darkened chamber, and gave herself up to the most unrestrained sorrow. The spirit that had kept a world in awe was utterly prostrate; and, after a splendid and prosperous reign of forty-five years, desolate, afflicted, and weary of existence, she lingered till the 24th of March, on which day she died. (*g*)

March 24, 1603.

Bacon's respect for the Queen was more manifested after her death, and even after his own death, than during her life. (*a*)

In one of his wills (*b*) he desires, that, whatever part of his manuscripts may be destroyed, his eulogy "In felicem memoriam Elizabethæ" may be preserved and published:

(*g*) See note 4 G at the end.

(*a*) See note 4 H at the end.

(*b*) Baconiana.

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and, soon after the accession of James to the throne, he thus speaks of the Queen.

"She was a princess that if Plutarch were now alive to write lives by parallels, would trouble him, I think, to find for her a parallel amongst women. This lady was endued with learning in her sex singular and rare even amongst masculine princes; whether we speak of learning, language, or of science, modern or ancient, divinity or humanity: and, unto the very last year of her life, she was accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly. As for her government, I assure myself, I shall not exceed, if I do affirm that this part of the island never had forty-five years of better times, and yet not through the calmness of the season, but through the wisdom of her regimen. For if there be considered of the one side, the truth of religion established; the constant peace and security; the good administration of justice; the temperate use of the prerogative, not slackened, nor much strained; the flourishing state of learning, suitable to so excellent a patroness; the convenient estate of wealth and means, both of crown and subject; the habit of obedience, and the moderation of discontents; and there be considered, on the other side, the differences of religion, the troubles of neighbour countries, the ambition of Spain, and opposition of Rome; and then that she was solitary and of herself; these things I say considered, I could not have chosen a more remarkable instance of the conjunction of learning in the prince, with felicity in the people."

End of Part I.

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LIFE OF BACON.

PART II.

From the Death of Elizabeth to the Death of Bacon.

CHAPTER I.

FROM THE ACCESSION OF JAMES TILL THE PUBLICATION OF THE WISDOM OF THE ANCIENTS, 1603 to 1610.

1603. Æt. 43.

UPON the death of the Queen, Bacon had every thing to expect from the disposition of her successor, who was a lover of letters, was desirous to be considered the patron of learning and learned men, was well acquainted with the attainments of Bacon, and his reputation both at home and abroad, and was greatly prepossessed in his favour by his brother Anthony, who was much esteemed by the King. (*a*)

But neither the consciousness of his own powers or of the King's discernment rendered Bacon inert or passive. He used all his influence, both in England and in Scotland, to insure the protection of James. (*b*) He wrote to the Earl

(*a*) See Rymer, vol. xvi. p. 596, and note TTT at the end.

(*b*) He wrote to Mr. Foules, see vol. xii. page 114; to Sir Thomas Challoner, see vol. xii. page 113; to his friend, Tobie Mathew, see vol. xii. page 230; to Dr. Morrison, a Scottish physician, see vol. xiii. page 61; to Lord Kinlose, see vol. xii. page 101.

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of Northumberland, (*c*) and to Lord Southampton, (*c*) who was imprisoned and tried with Essex, using these remarkable words, "I may safely be that to you now, which I was truly before."

Upon the approach of the King he addressed his majesty in a letter written in the style of the times: (*a*) and he

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(*c*) He wrote to the Earl of Northumberland, see vol. xii. pages 103 and 116; to Mr. Kempe, see vol. xii. page 25; to Mr. Davis, see vol. xii. page 115; and it is remarkable that he applied to the Earl of Southampton, the fellow prisoner and convict with Lord Essex. In his letter to Mr. Kempe he says, "My lord of Southampton expecteth release by the next dispatch, and is already much visited, and much well wished. There is continual posting by men of good quality towards the king; the rather, I think, because this spring time it is but a kind of sport. It is hoped that as the state here hath performed the part of good attorneys, to deliver the King quiet possession of his kingdoms, so the King will re-deliver them quiet possession of their places; rather filling places void, than removing men placed. So, &c."

The following is his letter to Lord Southampton:

"It may please your Lordship,—I would have been very glad to have presented my humble service to your lordship by my attendance, if I could have foreseen that it should not have been unpleasing unto you. And therefore, because I would be sure to commit no error, I chose to write; assuring your lordship, how little soever it may seem credible to you at first, yet it is as true as a thing that God knoweth; that this great change hath wrought in me no other change towards your lordship than this, that I may safely be that to you now, which I was truly before. And so craving no other pardon, than for troubling you with my letter, I do not now begin to be, but continue to be your Lordship's humble and much devoted

1603. FR. BACON."

See vol. xii. page 115.

(*a*) It may please your most excellent Majesty,

It is observed by some, upon a place in the Canticles, *Ego, sum flos campi, et lilium convallium*, that, *a dispari*, it is not said, *Ego sum flos horti, et lilium montium;* because the majesty of that person is not inclosed for a few, nor appropriated to the great. And yet, notwith-

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submitted to the Earl of Northumberland, for the King's consideration, a proclamation, recommending " the union of England and Scotland; attention to the sufferings of

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standing, this royal virtue of access, which both nature and judgment have planted in your majesty's mind, as the portal of all the rest, could not of itself, my imperfections considered, have animated me to make oblation of myself immediately to your majesty, had it not been joined with an habit of the like liberty which I enjoyed with my late dear sovereign mistress; a princess happy in all things else, but most happy in such a successor. And yet farther, and more nearly, I was not a little encouraged, not only upon a supposal, that unto your majesty's sacred ear, open to the air of all virtues, there might perhaps have come some small breath of the good memory of my father, so long a principal counsellor in your kingdom; but also a more particular knowledge of the infinite devotion and incessant endeavours, beyond the strength of his body, and the nature of the times, which appeared in my good brother, Mr. Anthony Bacon, towards your majesty's service; and were, on your majesty's part, through your singular benignity, by many most gracious and lively significations and favours accepted and acknowledged, beyond the merit of any thing he could effect: which endeavours and duties, for the most part, were common to myself with him, though by design, as between brethren, dissembled. And therefore, most high and mighty king, my most dear and dread sovereign lord, since now the corner-stone is laid of the mightiest monarchy in Europe; and that God above, who hath ever a hand in bridling the floods and motions both of the seas and of people's hearts, hath by the miraculous and universal consent, the more strange, because it proceedeth from such diversity of causes, in your coming in, given a sign and token of great happiness in the continuance of your reign; I think there

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unhappy Ireland; freedom of trade and the suppression of bribery and corruption; with the assurance, that every place and service that was fit for the honour or good of the commonwealth should be filled, and no man's virtue left idle, unemployed, or unrewarded, and every good ordinance and constitution, for the amendment of the estate and times, be revived and put in execution." (*d*)

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is no subject of your majesty's, which loveth this island, and is not hollow or unworthy, whose heart is not set on fire, not only to bring you peace-offerings, to make you propitious; but to sacrifice himself a burnt-offering or holocaust to your majesty's service: amongst which number no man's fire shall be more pure and fervent than mine; but how far forth it shall blaze out, that resteth in your majesty's employment. So, thirsting after the happiness of kissing your royal hand, I continue ever, &c. 1603.

(*d*) Sir Francis Bacon to the Earl of Northumberland, concerning a Proclamation upon the King's entry.

It may please your Lordship,—I do hold it a thing formal and necessary, for the King to forerun his coming, be it never so speedy, with some gracious declaration for the cherishing, entertaining, and preparing of men's affections. For which purpose, I have conceived a draught, it being a thing to me familiar, in my mistress her times, to have used my pen in politic writings of satisfaction. The use of this may be in two sorts: first, properly, if your lordship think convenient to shew the King any such draught, because the veins and pulses of this state cannot but be known here; which if your lordship should, then I would desire your lordship to withdraw my name, and only signify that you gave some heads of direction of such a matter to one of whose style and pen you had some opinion. The other collateral, that though your lordship make no other use of it, yet it is a kind of portraiture of that which I think worthy to be advised by your lordship to the King, to express himself according to those points which are therein conceived, and perhaps more compendious and significant than if I had set them down in articles. I would have attended your lordship, but for some little physic I took. To-morrow morning I will wait on you. So I ever continue, &c. Fr. Bacon.

See vol. xii. p. 102, and vol. vii. p. 173, for the proclamation.

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Soon after the arrival of James, which was on the 7th of May, Bacon, having had an audience, and a promise of private access, thus describes the King to the Earl of Northumberland: "Your lordship shall find a prince the farthest from vain glory that may be, and rather like a prince of the ancient form than of the latter time. His speech is swift and cursory, and in the full dialect of his country; in speech of business, short; in speech of discourse, large. He affecteth popularity by gracing such as he hath heard to be popular, and not by any fashions of his own. He is thought somewhat general in his favours; and his virtue of access is rather, because he is much abroad and in press, than that he giveth easy audience. He hasteneth to a mixture of both kingdoms and occasions, faster perhaps than policy will well bear. I told your lordship once before, that methought his majesty rather asked counsel of the time past, than of the time to come: but it is yet early to ground any settled opinion." (*m*)

The title of knighthood had hitherto been considered an especial mark of royal favour; but the King, who perceived that the English gentry were willing to barter their gold for an empty honour, was no less ready to barter his honours for their gold. A general summons was, therefore, issued for all persons possessing £40 a year in land (*n*) either to accept this title, or to compound with the King's commissioners; and on the 23rd, the day of his coronation, not less than three hundred gentlemen received the honour of knighthood, amongst whom was Sir Francis Bacon, who thought that the title might gratify the

(*m*) See vol. xii. p. 48.

n) Hume, who has shown great tenderness to the character of James upon many occasions, is quite silent as to this extraordinary expedient to raise money. See Progresses of James, 203.

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daughter of Alderman Barnham, whom he soon after married. (*e*)

1604. Æt. 44. In the opening of the year 1604 it was publicly announced that a parliament would be assembled early in the spring; and never could any parliament meet for the consideration of more eventful questions than at that moment agitated the public mind. It did not require Bacon's sagacity to perceive this, or, looking forward, to foresee the approaching storm. Revolutions are sudden to the unthinking only. Political disturbances happen not without their warning harbingers. Murmurs, not loud but portentous, ever precede these convulsions of the moral world: (*a*) murmurs which were heard by Bacon not the less audibly from the apparent tranquillity with which James ascended the throne. "Tempests of state," he says, "are commonly greatest when things grow to equality; as natural tem-

(*e*) Bacon's sentiments of the value of knighthood may be seen by the following letters:

To Robert, Lord Cecil.

It may please your good Lordship,—Lastly, for this divulged and almost prostituted title of knighthood, I could without charge, by your honour's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's Inn commons; and because I have found out an alderman's daughter, a handsome maiden, to my liking. So as if your honour will find the time, I will come to the court from Gorhambury upon any warning. So I remain your Lordship's most bounden, FR. BACON.

3rd July, 1603.

To Robert, Lord Cecil.

It may please your good Lordship,—For my knighthood, I wish the manner might be such as might grace me, since the matter will not: I mean, that I might not be merely gregarious in a troop. The coronation is at hand. It may please your lordship to let me hear from you speedily. So I continue your Lordship's ever much bounden, FR. BACON.

From Gorhambury, this 16th of July, 1603.

See some observations respecting Lady Bacon, in note HHH at the end.

(*a*) See Coleridge's Friend, vol. ii. p. 243.

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pests are greatest about the equinox; and as there are certain hollow blasts of wind and secret swellings of seas before a tempest, so are there in states:

——— Ille etiam cæcos instare tumultus
Sæpe monet, fraudesque et operta tumescere bella." (*a*)

These secret swellings and hollow blasts, which arise from the conflicts between power, tenacious in retaining its authority, and knowledge, advancing to resist it, are materials certain to explode, unless judiciously dispersed. Of this Bacon constantly warned the community, by recommending the admission of gradual reform. "In your innovations," he said, "follow the example of time, which innovateth greatly, but quietly." (*b*)—The advances of nature are all gradual: scarce discernible in their motions, but only visible in their issue. The grass grows and the shadow moves upon the dial unperceived until we reflect upon their progress.

These admonitions have always been disregarded or resisted by governments, and, wanting this safety valve, states have been periodically exposed to convulsion. In England this appeared at Runnymede in the reign of John, and in the subversion of the Pope's authority in the reign of Henry the Eighth.

When the spirit of reform has once been raised, its progress is not easily stayed. Through the ruins of catholic superstition various defects were discovered in other parts of the fabric: and the people, having been spirit-broken during the reign of Henry, and lulled during the reign of Elizabeth, reform now burst forth with accumulated impetuosity. So true is the doctrine of Bacon, that "when any of the four pillars of government are mainly shaken,

(*a*) Essay on Sedition, vol. i. p. 44.
(*b*) Essay on Innovations, vol. i. p. 82.

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or weakened, which are religion, justice, counsel, and treasure, men had need to pray for fair weather." (*a*)

The state of Bacon's mind at this period may be easily conceived. The love of order (*b*) and the love of improvement, apparently not really opposed to each other, were his ruling passions: and his mode of improvement was the same in all science, (*c*) natural or human, (*d*) by experiment, and only by experiment; by proceeding with the greatest caution, and by remembering that, after the most careful research, we may be in the greatest error: "for who will take upon him, when the particulars which a man knows and which he hath mentioned, appear only on one side, there may not lurk some particular which is altogether repugnant: as if Samuel should have rested in those sons of Jesse which were brought before him in the house, and should not have sought David, who was absent in the field." (*e*) He never presumed to act until he had tried all things: never used one of Briareus's hundred hands, until he had opened all Argus's hundred eyes. (*f*) He acted through life upon his father's favourite maxim, "stay a little that we may make an end the sooner."

This was his general mode of proceeding, which, when the experiment was attended with difficulty, generated more caution; and he well knew that, of all experiments, state alterations are the most difficult, the most fraught with danger.

Zealous as he was for all improvement; believing, as he did, in the omnipotence of knowledge, that "the spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets;" (*g*) and, branding the idolaters of

(*a*) Essay on Sedition, vol. i. p 44.
(*b*) Vol. ii. p. 63. Adv. of Learning.
(*c*) See postea, under Novum Organum.
(*d*) This is Bacon's division.
(*e*) Adv. of Learn. vol. ii. p. 180.
(*f*) Essay of Delays, vol. i. p. 73.
(*g*) Adv. of Learning, vol. ii. p. 11.

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old times as a scandal to the new, he says, "It is good not to try experiments in states, except the necessity be urgent, or the utility evident: and well to beware that it be the reformation that draweth on the change, and not desire of change that pretendeth the reformation: that novelty, though it be not rejected, yet be always suspected; and, as the scripture saith, 'that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way, and so to walk in it;'(q) always remembering that there is a difference in innovations, between arts and civil affairs. In civil affairs, a change, even for the better, is to be suspected, through fear of disturbance: because they depend upon authority, consent, reputation, and opinion, and not upon demonstration; but arts and sciences should be like mines, resounding on all sides with new works and further progress."(r)

Such was the state of his mind upon entering into public life at the commencement of the parliament, which assembled on the 19th of March, 1604, when having already made some progress in the King's affections,(s) he was

(q) Essay on Innovations, vol. i. p. 82.

(r) Nov. Organum, Aph. 90. vol. ix.

(s) Mr. Constable was Bacon's brother-in-law; and was, as it seems knighted on March 14 (James's Progresses, 322), and knighted upon the interposition of Bacon, as appears by the following letter:

A Letter to Mr. Murray, of the King's bedchamber.

Mr. Murray,—It is very true, that his majesty, most graciously at my humble request, knighted the last Sunday my brother-in-law, a towardly young gentleman; for which favour I think myself more bound to his majesty than for the benefit of ten knights; and to tell you truly, my meaning was not, that the suit of this other gentleman, Mr. Temple, should have been moved in my name. For I should have been unwilling to have moved his majesty for more than one at once, though many times in his majesty's courts of justice, if we move once for our friends, we are allowed to move again for our fee. But indeed my purpose was, that you might have been pleased to have moved it as for myself. Nevertheless, since it

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returned both for St. Albans and for Ipswich, (*a*) which borough he elected to represent; and, at this early period, so great a favourite was he with the house, that some of the members proposed him as Speaker. (*b*)

On the 22nd of March, the King first addressed the parliament, recommending to their consideration the union of the two kingdoms; the termination of religious discontents; and the improvement of the law. (*a*)

Upon the return of the Commons to the lower house, the storm commenced. Prayers had scarcely been ended, and the house settled, when one member proposed the immediate consideration of the general abuse and grievance of purveyors;—the burthen and servitude to the subjects of the kingdom, attendant upon the wardship of children;—the oppression of monopolies;—the abuses of the Exchequer, and the dispensation of penal statutes. After this proposal, received by an expressive silence, another member called the attention of the house to what he termed three main grievances: the burthen, charge, and vexation of the commissaries' courts;—the suspension of learned and grave ministers for preaching against popish doctrine;—and depopulations by inclosure. (*a*)

To consider these weighty subjects a select committee of the house was appointed, including Bacon as one of the members. This committee immediately entered upon

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is so far gone, and that the gentleman's friends are in some expectation of success, I leave it to your kind regard what is further to be done, as willing to give satisfaction to those which have put me in trust, and loth on the other side to press above good manners. And so, with my loving commendations, I remain, yours, &c.—1603.

(*a*) Commons' Journals. See note J J J at the end.

(*b*) Here, after some silence, the names of others were muttered; as of Sir Francis Hastings, Sir Henry Nevill, Sir Francis Bacon, Sir Edward Hobby, Sir Henry Mountague, the Recorder of London, and others; but the more general voice ran upon Sir Edward Phelips, who thereupon stood up, and used some speech to excuse and disable himself, to this effect, &c.

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their inquiries, and, so ready were the parties with their evidence, and so active the members in their proceedings, that on the 26th Bacon made his report to the house of the result of their investigations. (*a*)

The political discontent, thus first manifested, increased yearly under the reign of James, and having brought his son to the scaffold, continued till the combustible matter was dispersed. "Cromwell," it was said, "became Protector, because the people of England were tired of kings, and Charles was restored because they were weary of Protectors." Such are the consequences of neglecting gradual reform.

During the whole of the conflicts in the commencement of this stormy session, Bacon's exertions were unremitting. He spoke in every debate. He sat upon twenty-nine committees, (*a*) many of them appointed for the consideration of the important questions agitated at that eventful time. He was selected to attend the conferences of the privy council; to report the result; and to prepare various remonstrances and addresses; was nominated as a mediator between the Commons and the Lords; and chosen by the Commons to present to the King a petition touching purveyors. (*c*)

(*a*) Commons' Journals.

(*c*) He said: "The message I now bring your majesty concerns the manifold abuses of purveyors. In this grievance, to which the poor people are most exposed, and men of quality less, we shall require your majesty to conceive that you hear the very groans and complaints of your commons more truly than by representation, for there is no grievance in your kingdom so general, so continual, so sensible, and so bitter to the common subject, as this whereof we now speak, assuring ourselves that never king reigned who had better notions of head and notions of heart for the good and comfort of his loving

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To his address, clothed in language the most respectful, yet distinctly pointing out what was expected by the people, the King listened with the patience due from a sovereign to his suffering and oppressed subjects; and, instead of the displeasure felt by Elizabeth at his firm and honest boldness, (*a*) he received it kindly, and replied to it graciously.

Many of his speeches are fortunately preserved: (*x*) they are all distinguished for their fitness for the hearers and the occasion, their knowledge of affairs, and their pithy, weighty eloquence.

The King had hitherto continued to employ Bacon, in the same manner in which he had served the late Queen; but he now thought fit to shew him higher marks of favour than he had received from her majesty; and accordingly, on the 25th of August, 1604, constituted him by patent his counsel learned in the law, with a fee of forty pounds a year, which is said to have been a "grace scarce known before;" (*b*) and he granted him the same day, by another patent under the great seal, a pension of sixty pounds a

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subjects. The abuses of purveyors are of three sorts: 1st. They take in kind what they ought not to take. 2. They take in quantity a greater proportion than comes to your majesty's use. 3. They take it in an unlawful manner; instead of takers they become taxors, imposing and extorting divers sums of money, sometimes in gross, sometimes as stipends annually paid to be free from their oppressors. They take trees, which they cannot do by law, which are the beauty, shelter, and countenance of men's houses, and that under the value; nay, they are grown to that extremity that they will take double poundage, once when the debenture is made, and again when the money is paid."— See vol. vi. p. 3, for the whole speech.

(*a*) Ante, p. xxxi.

(*b*) See Rawley's Life.

(*x*) See vols. v. and vi.

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year, for special services received from his brother Anthony Bacon and himself. (*b*)

It must not be supposed that either political altercations or legal promotions diverted his attention from the acquisition and diffusion of knowledge. He knew well the relative worth of politics and philosophy.

His love of knowledge was never checked, perhaps it was increased by his occupations in active life. "We judge," he says, "that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful. If any one therefore should despair, let him consider a man as much employed in civil affairs as any other of his age, a man of no great share of health, who must therefore have lost much time, and yet, in this undertaking he is the first that leads the way, unassisted by any mortal, and steadfastly entering the true path that was absolutely untrod before, and submitting his mind to things, may somewhat have advanced the design." (*d*) Politics employed, but the love of knowledge occupied his mind. (*e*) It advanced like the river, which is said to flow without mingling her streams with the waters of the lake through which it passes. (*f*)

During the vacation of this year, he escaped from exertions respecting the Union, (*g*) to Eton, where he conversed on the subject of education with his friend, Sir Henry Saville, then provost of the college; to whom, upon his return, he wrote the following letter:

To Sir Henry Saville.

Coming back from your invitation at Eton, where I had refreshed myself with company, which I loved; I fell into

(*b*) See note TTT at the end. (*d*) Nov. Org. Aph. v.
(*e*) See a letter of Bp. Hall's on the Pleasure of Study and Contemplation.
(*f*) Fuller's Holy State. Essay of Company, b. iii. c. 5.
(*g*) See his letter to Sir Robert Cotton, dated 8th Sept. 1604.

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a consideration of that part of policy whereof philosophy speaketh too much, and laws too little; and that is, of education of youth. Whereupon fixing my mind awhile, I found straightways, and noted, even in the discourses of philosophers, which are so large in this argument, a strange silence concerning one principal part of that subject. For as touching the framing and seasoning of youth to moral virtues, (as tolerance of labours, continency from pleasures, obedience, honour, and the like,) they handle it; but *touching the improvement and helping of the intellectual powers, as of conceit, memory, and judgment, they say nothing;* whether it were, that they thought it to be a matter wherein nature only prevailed, or that they intended it, as referred to the several and proper arts, which teach the use of reason and speech.

But for the former of these two reasons, howsoever it pleaseth them to distinguish of habits and powers; the experience is manifest enough, that the motions and faculties of the wit and memory may be not only governed and guided, but also confirmed and enlarged, by customs and exercise daily applied: as if a man exercise shooting, he shall not only shoot nearer the mark, but also draw a stronger bow. (*a*) And as for the latter, of comprehending these precepts within the arts of logic and rhetoric; if it be rightly considered, their office is distinct altogether from this point; for it is no part of the doctrine of the use or handling of an instrument, to teach how to whet or grind the instrument to give it a sharp edge, or how to quench it, or otherwise, whereby to give it a stronger temper.

Wherefore, finding this part of knowledge not broken, I have, but "*tanquam aliud agens,*" entered into it, and salute you with it; dedicating it, after the ancient manner, first as to a dear friend, and then as to an apt person; for as

(*a*) The same remark will be found in one of his Essays.

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much as you have both place to practise it, and judgment and leisure to look deeper into it than I have done. Herein you must call to mind, Ἄριστον μὲν ὕδωρ. Though the argument be not of great height and dignity, nevertheless it is of great and universal use. And yet I do not see why, to consider it rightly, that should not be a learning of height which teacheth to raise the highest and worthiest part of the mind. But, howsoever that be, if the world take any light and use by this writing, I will the gratulation be to the good friendship and acquaintance between us two. And so recommend you to God's divine protection.

With this letter he presented a tract upon "Helps to the Intellectual Powers," which contains similar observations upon the importance of knowledge and improvement of the Body. (*d*)

From these suggestions, the germ of his opinions upon the same subject in the Advancement of Learning, it appears that he considered the object of education to be knowledge and improvement of the body and of the mind.

How far society has, after the lapse of two centuries, concurred with him in these opinions, and, if he is not in error, how far we have acted upon his suggestions, may deserve a moment's consideration.

Bacon arranges knowledge respecting the body (*e*) into

- I. Health.
  - 1. The preservation.
  - 2. The cure of diseases.
  - 3. The prolongation of life.
- II. Strength.
  - 1. Athletic.
  - 2. Gymnastics.
- III. Beauty.
- IV. Pleasure.

(*d*) See vol. i. p. 337.

(*e*) Adv. of Learning, vol. ii. p. 158.

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These subjects considered of importance by Bacon; by the ancients, and by all physiologsts, (*b*) do not form any part of our University education. The formation of bodily habits, upon which our happiness and utility must be founded, are left to chance, to the customs of our parents, or the practices of our first college associates. All nature strives for life and for health. The smallest moss cannot be moved without disturbing myriads of living beings. If any part of the animal frame is injured, the whole system is active in restoring it: but man is daily cut off or withered in his prime; and, at the age of fifty, we stand amidst the tombs of our early friends.

At some future time the admonition of Bacon, that "although the world, to a christian travelling to the land of promise, be as it were a wilderness, yet that our shoes and vestments be less worn away while we sojourn in this wilderness, is to be esteemed a gift coming from divine goodness," may, perhaps, be considered deserving attention.

Bacon arranges knowledge respecting the mind into

- I. The understanding.
  - 1. Invention.
  - 2. Judgment.
  - 3. Memory.
  - 4. Tradition.
- II. The will.
  - 1. The image of good.
  - 2. The culture of the mind.

In the English universities there is not, except by a few lectures, some meagre explanations of logic, and some indirect instruction by mathematics upon mental fixedness, any information imparted upon the nature or conduct of

(*b*) See note QQQ at the end.

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the understanding, and Locke might now repeat what he said more than a century ago: "although it is of the highest concernment that great care should be taken of the mind, to conduct it right in the search of knowledge and in the judgments it makes: yet the last resort a man has recourse to in the conduct of himself is his understanding. A few rules of logic are thought sufficient in this case for those who pretend to the highest improvement: and it is easy to perceive that men are guilty of a great many faults in the exercise and improvement of this faculty of the mind, which hinder them in their progress, and keep them in ignorance and error all their lives." (*a*)

At some future period our youth will, perhaps, be instructed in the different properties of our minds, *understanding, reason, imagination, memory, will,* (*b*) and be taught the nature and extent of our powers for the discovery of truth;—our different motives for the exercise of our powers;—the various obstacles to the acquisition of knowledge,—and the art of invention, by which our reason will be "rightly guided, and directed to the place where the star appears, and point to the very house where the babe lies."

In the English universities there are not any lectures upon the passions; but this subject, deemed important by all philosophy, human and divine, is disregarded, (*c*) except by such indirect information as may be obtained from the

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(*a*) See Introduction to Locke's Conduct of the Understanding and to the Essay. See note Y Y Y at the end.

(*b*) "Facultates autem animæ notissimæ sunt; Intellectus, Ratio, Phantasia, Memoria, Appetitus, Voluntas denique universæ illæ, circæ quas versantur scientiæ Logicæ et Ethicæ." Augmentis Scientiarum, lib. iv, p. 242. Vol. viii. p. 242.

(*c*) See note W W W at the end.

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poets and historians; by whom the love of our country is taught, perhaps, if only one mode is adopted, best taught, in the midst of Troy's flames: and friendship by Nisus eagerly sacrificing his own life to save his beloved Euryalus: and with such slight information we are suffered to embark upon our voyage, without any direct instruction as to the tempests by which we may be agitated; by which so many, believing they are led by light from heaven, are wrecked and lost; and so few reach the true haven of a well ordered mind; "that temple of God which he graceth with his perfection and blesseth with his peace, not suffering it to be removed although the earth be removed, and although the mountains be carried into the midst of the sea."

At some future time it may be deemed worthy of consideration whether inquiry ought not to be made of the nature of each passion, and the harmony which results from the exact and regular movement of the whole. (z)

Greatness of Britain.

In the fall of the year Bacon expressed to the Lord Chancellor an inclination to write a history of Great Britain; (a) and he prepared a work, inscribed to the King, upon its true greatness.

"Fortunatos nimium sua si bona norint."

In this work in which, he says, he has not any purpose vainly to represent this greatness, as in water, which shews things bigger than they are, but rather, as by an instrument of art, helping the sense to take a true magnitude and dimension, he intended an investigation of the general

(z) Saville was Provost of Eton. On Sept. 21 the King partook of a banquet at Eton College, and knighted Saville: this letter must therefore have been written after the 21st Sept.; and it seems to have been written in 1604, as it is a rudiment of that part of the Advancement of Learning which relates to universities, and was published in 1605.

(a) See vol. xii. p. 69.

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truths upon which the prosperity of states depends, with a particular application of them to this island. He has, however, only drawn the outline, and filled up two or three detached parts, reserving the minute investigation of the whole subject for other works. (*b*)

According to his usual method, he commences the tract by clearing the way, in the removal of some erroneous opinions, on the dependence of government upon extent of territory;—upon wealth;—upon fruitfulness of soil;—and upon fortified towns. Each of these subjects it was his intention to have separately considered, but he has in this fragment completed only the two first sections.

Extent of territory.

To expose the error, that the strength of a kingdom depends upon the extent of territory, "Look," he says, "at the kingdom of Persia, which extended from Egypt to Bactria and the borders of the East, and yet was overthrown and conquered by a nation not much bigger than the isle of Britain. Look, too, at the state of Rome, which, when too extensive, became no better than a carcass, whereupon all the vultures and birds of prey of the world did seize and ravine for many ages; as a perpetual monument of the essential difference between the scale of miles and the scale of forces: and that the natural arms of each province or the protecting arms of the principal state, may, when the territory is too extensive, be unable to counteract the two dangers incident to every government, foreign invasion and inward rebellion."

Having thus generally refuted this erroneous opinion, he beautifully explains that the power of territory, as to ex-

(*b*) See vol. v. p. 311; also see his treatise on the Art of Government, which he notified the next year, and published in the decline of his life; see Advancement of Learning in fine, vol. ii. p. 295, and de Augmentis, vol. ix. p. 72; and see his essay on the true Greatness of Kingdoms and States, vol. i. p. 97.

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tent, consists in compactness,—with the heart sufficient to support the extremities;—the arms, or martial virtues, answerable to the greatness of dominion;—and every part of the state profitable to the whole. Each of these sections is explained with his usual extensive and minute investigation, and his usual felicity of familiar illustration.

Compactness. With respect to *compactness*, he says, "Remember the tortoise, which, when any part is put forth from the shell, is endangered."

With respect to the *heart being sufficient* to sustain the extremities, "Remember," he says, "that the state of Rome, when it grew great, was compelled to naturalize the Latins, because the Roman stem could not bear the provinces and Italy both as branches; and the like they were contented after to do to most of the Gauls: and Sparta, when it embraced a larger empire, was compared to a river, which after it had run a great way, and taken other rivers and streams into it, ran strong and mighty, but about the head and fountain was shallow and weak."

Martial valour. With respect to *martial valour*, "Look," he says, "at every conquered state, at Persia and at Rome, which, while they flourished in arms, the largeness of territory was a strength to them, and added forces, added treasures, added reputation: but when they decayed in arms, then greatness became a burthen; like as great stature in a natural body is some advantage in youth, but is a burthen in age; so it is with great territory, which when a state beginneth to decline, doth make it stoop and buckle so much the faster."

And with respect to *each part being profitable* to the whole, he says, in allusion to the fable in Æsop, by which Agrippa appeased the tumult, that health of body and of state is promoted by the due action of all its parts, "Some provinces are more wealthy, some more populous, and some more warlike; some situate aptly for the excluding or

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expulsing of foreigners, and some for the annoying and bridling of suspected and tumultuous subjects; some are profitable in present, and some may be converted and improved to profit by plantations and good policy."

He proceeds with the same minuteness to expose the error, that the power of government consists in *riches;* by explaining that the real power of wealth depends upon mediocrity, joined with martial valour and intelligence. Riches

The importance of martial valour and high chivalric spirit he avails himself of every opportunity to enforce. "Well," he says, "did Solon, who was no contemplative man, say to Crœsus, upon his shewing him his great treasures, 'When another comes with iron he will be master of all your gold;' and so Machiavel justly derideth the adage that money is the sinews of war, by saying, 'There are no other true sinews of war but the sinews and muscles of men's arms.'"

So impressed was he with the importance of elevating the national character that, three years before his death,(*a*) he spoke with still greater energy upon this subject, in his treatise upon the Greatness of States. "Above all things," he says, "cultivate a stout and warlike disposition of the people;(*b*) for walled towns, stored arsenals, goodly races of horses, chariots of war, elephants, ordnance, artillery, and the like, all this is but sheep in a lion's skin, unless the breeding and disposition of the people be warlike;" and, "as to the illusion that wealth may buy assistance, let the state which trusts to mercenary forces ever remember, that, by these purchases, if it spread its feathers

(*a*) De Augmentis, published 1623, vol. ix. p. 72.

(*b*) See Sir W. Jones's translation of the ode, by Alceus.

"What constitutes a state?
Not high rais'd battlement or labour'd mound,
Not cities proud with spires and turrets crown'd,
No: man, high-minded man, &c. &c."

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for a time beyond the compass of its nest, it will mew them soon after;" and, in this spirit, he records various maxims to counteract the debasement of character attendant upon the worship of gold: and above all, the evil of sedentary and within-door mechanical arts, requiring rather the finger than the arm; which in Sparta, Athens, and Rome was left to slaves, and amongst christians should be the employment of aliens, and not of the natives, who should be tillers of ground, free servants, and labourers in strong and manly arts.

Such were the opinions of Bacon. How far they will meet with the approbation of political economists in these enlightened times, it is not necessary, in this analysis of his sentiments, to inquire. If he is in error, he may, in the infancy of the science of government, be pardoned for supposing that the national character would not be elevated by making sentient man a machine, or by those processes, by which bones and sinews, life and all that adorns life, is transmuted into gold. The bell by which the labourers are summoned to these many windowed fabrics in our manufacturing towns, sweeter to the lovers of gain than holy bell that tolls to parish church, would have sounded upon Bacon's ear with harsher import than the Norman curfew. (*a*) He may be pardoned, though he should warn us that in these temples, not of liberty, the national character will not be elevated by the employment of children, not in the temper of Him who took them in his arms, put his hands upon them and blessed them, but in never ceasing labour, with their morals sapped and undermined, their characters lowered and debased. It is possible that if he had witnessed the cowering looks and creeping gait, or shameless mirth of these little slaves, he might have

(*a*) See William Wordsworth's noble poem, "The Excursion."

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thought of Thebes or Tyre or Palmyra, and of the instability of all human governments, whatever their present riches or grandeur may be, unless the people are elevated by virtue.

Such, however, were his sentiments; and, even if they are erroneous, it cannot but be lamented that the only parts of this work which are completed and applied to Great Britain, are those which relate to extent and wealth. The remaining errors of fruitfulness of the soil, and fortified towns are not investigated.

Having thus cleared the way by shewing in what the strength of government does not consist, he intended to explain in what it did consist:

1. In a fit situation, *to which his observations are confined.*
2. In the population and breed of men.
3. In the valour and military disposition of the people.
4. In the fitness of every man to be a soldier.
5. In the temper of the government to elevate the national character; and,
6. In command of the sea: *the dowry of Great Britain.*

During the next terms and the next sessions of parliament his legal and political exertions continued without intermission. Committees were appointed for the consideration of subsidies; of articles for religion; purveyors; recusants; restoring deposed ministers; abuses of the Marshalsea court, and for the better execution of penal laws in ecclesiastical causes. He was a member of them all; and, mindful of the mode in which, during the late session, he had discharged his duties as representative of the house, he was elected to deliver to the King the charge of the Commons respecting ecclesiastical grievances. 1605. Æt. 45.

In every debate in this session he was the powerful advocate, in speeches which now exist, for the union of the

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kingdoms and the union of the laws; (*a*) during which he availed himself, according to his usual mode, when opportunity offered, to recommend as the first reform, the reform of the law, saying, "The mode of uniting the laws seemeth to me no less excellent than the work itself; for if both laws shall be united, it is of necessity, for preparation and inducement thereunto, that our own laws be reviewed and recompiled; than the which, I think, there cannot be a work that his majesty can undertake, in these his times of peace, more politic, more honourable, nor more beneficial to his subjects, for all ages."

Advancement of Learning.

In the midst of these laborious occupations he published his celebrated work upon "the Advancement of Learning," which professes to be a survey of the then existing knowledge, with a designation of the parts of science which were unexplored; the cultivated parts of the intellectual world and the desarts; a finished picture with an outline of what was untouched.

Within the outline is included the whole of science. After having examined the objections to learning;—the advantages of learning;—the places of learning or universities;—the books of learning or libraries, "the shrines where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed;"—after having thus cleared the way, and, as it were, "made silence to have the true nature of learning better heard and understood," he investigates all knowledge:

1st. Relating to the Memory, or History.
2nd. Relating to the Imagination, or Poetry.
3rd. Relating to the Understanding, or Philosophy.

(*a*) Vol. v. from 1 to 106.

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Such is the outline: within it the work is minutely arranged, (*a*) abounds with great felicity of expression, and nervous language: but not contenting himself, by such arrangement, with the mere exhibition of truth, he adorned it with familiar, simple, and splendid imagery. (*b*)

(*a*) The arrangement of the work may be thus generally exhibited:

- I. The excellence of Learning, and its communication.
  - 1. Objections to learning.
    - 1. By divines.
    - 2. By politicians.
    - 3. From errors of learned men.
  - 2. Proofs of advantages of learning.
    - 1. Divine.
    - 2. Human.
- II. What has been done and what omitted.
  - 1. Preliminary.
    - 1. Universities.
    - 2. Libraries.
    - 3. Persons of the learned.
  - 2. Division.
    - 1. History.
    - 2. Poetry.
    - 3. Philosophy.
      - 1. Natural religion.
      - 2. Natural philosophy.
      - 3. Human philosophy.

(*b*) Disapproving of the manner of the stoics, who laboured to thrust virtue upon men by concise and sharp sentences and conclusions, which have no sympathy with the imagination and will, he in this work avails himself of every opportunity to reduce intellectual to sensible things. "That which is addressed to the senses," he says, "strikes more forcibly than that which is addressed to the intellect. The image of a huntsman pursuing a hare; or an apothecary putting his boxes in order; or a man making a speech; or a boy reciting verses by heart; or an actor upon the stage, are more easily remembered than the notions of invention, disposition, elocution, memory, and action." This work abounds, therefore, with ornament.

So, Shakespeare, in one of his sonnets, says:

> "Since I left you, mine eye is in my mind,
> And that which governs me to go about
> Doth part his function, and is partly blind,
> Seems seeing, but effectually is out;
> For it no form delivers to the heart
> Of bird, of flower, or shape, which it doth latch;

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When speaking of the error of common minds retiring from active life, he says, "Pythagoras, being asked what he was, answered, that if Hiero were ever at the Olympic games, he knew the manner, that some came as merchants to utter their commodities, and some came to make good cheer, and some came to look on, and that he was one of them that came to look on; but men must know, that in this theatre of man's life, it is reserved only for God and angels to be lookers-on."(c) So, when explaining the danger to which intellect is exposed of running out into sensuality on its retirement from active life, he says, in another work,(a) "When I was chancellor I told Gondomar, the Spanish ambassador, that I would willingly forbear the honour to get rid of the burthen; that I had always a desire to lead a private life. Gondomar answered, that he would tell me a tale; 'My lord, there was once an old rat that would needs leave the world: he acquainted the young rats that he would retire into his hole, and spend his days in soli-

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Of his quick objects hath the mind no part,
Nor his own vision holds what it doth catch;
For if it see the rud'st or gentlest sight,
The most sweet favour, or deform'st creature,
The mountain or the sea, the day or night,
The crow, or dove, it shapes them to your feature.
Incapable of more, replete with you,
My most true mind thus maketh mine untrue."

So too, Fuller, speaking of the divine, says, "His similes and illustrations are alwaies familiar, never contemptible. Indeed reasons are the pillars of the fabric of a sermon, but similitudes are the windows which give the best lights."

I somewhere, but where I forget, have read that the mind of a celebrated divine was first excited to religious meditation by some Dutch tiles which ornamented the fireplace in his nursery.

(c) Advancement of Learning, vol. ii. p. 275.

(a) See vol. i. pp. 347 and 454.

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tude, and commanded them to respect his philosophical seclusion. They forbore two or three days: at last one, hardier than his fellows, ventured in to see how he did; he entered, and found him sitting in the midst of a rich parmesan cheese.'"

In such familiar explanations did he indulge himself: it being his object not to inflate trifles into marvels, but to reduce marvels to plain things. Of these simple modes of illustrating truth it appears, from a volume of Apothegms, published in the decline of his life, and a recommendation of them, in this treatise,(*b*) as a useful appendage to history, that he had formed a collection.

When the subject required it, he, without departing from simplicity, selected images of a higher nature; as, when explaining how the body acts upon the mind, and anticipating the common senseless observation, that such investigations are injurious to religion, "Do not," he says, "imagine that inquiries of this nature question the immortality of the soul, or derogate from its sovereignty over the body. The infant in its mother's womb partakes of the accidents of its mother, but is separable in due season."(*e*) So, too, when explaining that the body is decomposed by the depredation of innate spirit and of ambient air, and that if the action of these causes can be prevented, the body will defy decomposition: "Have you never," he says, "seen a fly in amber, more beautifully entombed than an Egyptian monarch?"(*c*) and, when speaking of the resemblance in the different parts of nature, and calling upon his readers to observe that truths are general, he says, "Is not the delight of the quavering upon a stop

(*b*) See under Appendices to History, vol. ii. p. 118.

(*e*) Advancement of Learning, vol. ii. p. 157.

(*c*) Sylva Sylvarum, Cent. i. Art. 100.

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in music the same with the playing of light upon the water,

'Splendet tremulo sub lumine pontus.'" (*d*)

Such are his beautiful and playful modes of familiarizing abstruse subjects: but to such instances he did not confine himself. He was too well acquainted with our nature, merely to explain truth without occasionally raising the mind by noble and lofty images to love it.

It must not be supposed that, because he illustrated his thoughts, he was misled by imagination, which never had precedence, but always followed in the train of his reason: (*a*) or, because he had recourse to arrangement, that he was enslaved by method, which he always disliked, as impeding the progress of knowledge. (*a*) It is, therefore, his constant admonition, that a plain, unadorned style, in aphorisms, is the proper style for philosophy; and in aphorisms the Novum Organum and his tract on Universal Justice are composed. But, although this was his general opinion; although he was too well acquainted with what he terms the idols of the mind, to be diverted from truth by the love of order; yet, knowing the charms of theory and system, and the necessity of adopting them to insure a favourable reception for abstruse works, he did not reject these garlands, at once the ornament and fetters of science. They may now, perhaps, be laid aside, and the noble temple which he raised may be destroyed; but its gorgeous magnificence will never be forgotten, and amidst the ruins a noble statue will be seen by every true worshipper of beauty and of knowledge.

To form a correct judgment of the merits of this treatise

(*d*) De Aug. lib. iii. c. i. v. 8. p. 155.

(*a*) See note RRR at the end.

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it is but justice to the author to remember, both the time when it was written and the persons for whom it was composed, "length and ornament of speech being fit for persuasion of multitudes, although not for information of kings."

The work is divided into two books: the first consisting of his dedication to the King;—of his statement of the objections to learning, by divines, by politicians, and from the errors of learned men;—and of some of the advantages of knowledge. Division.

If, in compliance with the custom of the times, (*c*) or from an opinion that wisdom, although it ought not to stoop to persons, should submit to occasions, (*a*) or from a morbid anxiety to accelerate the advancement (*b*) of know- Dedication.

(*c*) See the last note in the work.

(*a*) "Not that I can tax or condemn the morigeration or application of learned men to men in fortune. For the answer was good that Diogenes made to one that asked him in mockery, 'How it came to pass that philosophers were the followers of rich men, and not rich men of philosophers?' He answered soberly, and yet sharply, 'Because the one sort knew what they had need of, and the other did not.' And of the like nature was the answer which Aristippus made, when having a petition to Dionysius, and no ear given to him, he fell down at his feet; whereupon Dionysius staid, and gave him the hearing, and granted it: and afterward some person, tender on the behalf of philosophy, reproved Aristippus, that he would offer the profession of philosophy such an indignity, as for a private suit to fall at a tyrant's feet: but he answered, 'It was not his fault, but it was the fault of Dionysius, that he had his ears in his feet.' Neither was it accounted weakness, but discretion in him that would not dispute his best with Adrianus Cæsar; excusing himself, 'That it was reason to yield to him that commanded thirty legions.' These and the like applications, and stooping to points of necessity and convenience, cannot be disallowed; for, though they may have some outward baseness, yet in a judgment truly made, they are to be accounted submissions to the occasion, and not to the person."

(*b*) It is so difficult to love and be wise, that Bacon was constantly over anxious to accelerate the progress of knowledge: "I have held up a light," he says, "in the obscurity of philosophy, which will be seen centuries after

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ledge, Bacon could delude himself by the supposition that his fulsome dedication to the King was consistent either with the simplicity or dignity of philosophy, he must have forgotten what Seneca said to Nero, "Suffer me to stay here a little longer with thee, not to flatter thine ear, for that is not my custom, as I have always preferred to offend by truth than to please by flattery." He must have forgotten that when Æsop said to Solon, "Either we must not come to princes, or we must seek to please and content them; Solon answered, "Either we must not come to princes at all, or we must speak truly and counsel them for the best." He must have forgotten his own doctrine, that books ought to have no patrons but truth and reason,(c)

I am dead;" but not content with this, he imagined that the protection of kings was necessary for the protection of truth, forgetting his own doctrine that, "veritas temporis filia dicitur non authoritatis."

In his letter of the 12th of October, 1620, to the King, he says, speaking of the Novum Organum: "This work is but a new body of clay, whereinto your Majesty, by your countenance and protection, may breathe life. And, to tell your Majesty truly what I think, I account your favour may be to this work as much as an hundred years time: for I am persuaded, the work will gain upon men's minds in ages, but your gracing it may make it take hold more swiftly: which I would be very glad of, it being a work meant, not for praise or glory, but for practice, and the good of men."

If this opinion of the necessity of the King's protection, or of any patronage, for the progress of knowledge, be now supposed a weakness: if in these times, and in this enlightened country, truth has nothing to dread: if Galileo may now, without fear of the inquisition, assert that the earth moves round; or when an altar is raised to the "unknown God," he who is ignorantly worshipped, we may declare; let us not be unmindful of the present state of the press in our countries, or forget that, although Bacon saw a little ray of distant light, yet that it was seen from far, the refraction of truth yet below the horizon.

(c) "But in the mean time I have no purpose to give allowance to some conditions and courses base and unworthy, wherein divers professors of learning have wronged themselves, and gone too far; such as were those trencher philosophers, which in the later age of the Roman state were

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and he must also have forgotten his own nervous and beautiful admonition, that "the honest and just bounds of observation by one person upon another extend no further but to understand him sufficiently whereby not to give him offence; or whereby to be able to give him faithful counsel; or whereby to stand upon reasonable guard and caution with respect to a man's self: but to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous, which as in friendship it is want of integrity, so towards princes or superiors it is want of duty."

Objections of divines and politicians.

If his work had been addressed to the philosophy of the country, instead of having confined his professional objections to divines and politicians, he would have explained that, as our opinions always constitute our intellectual and often our worldly wealth, prejudice is common to us all, (*a*) and is particularly conspicuous amongst all professional men with respect to the sciences which they profess. (*a*)

Errors of learned men.

His objections to learning from the errors of learned men contain his observations upon the study of words; upon useless knowledge; and upon falsehood, called by him delicate learning; contentious learning; and fantastical learning; all of them erroneously considered objections to

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usually in the houses of great persons, being little better than solemn parasites. Neither is the modern dedication of books and writings, as to patrons, to be commended: for that books, such as are worthy the name of books, ought to have no patrons but truth and reason. And the ancient custom was to dedicate them only to private and equal friends, or to entitle the books with their names; or if to kings and great persons, it was to some such as the argument of the book was fit and proper for: but these and the like courses may deserve rather reprehension than defence."

(*a*) See postea, under Novum Organum.

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learning; as the study of words is merely the selection of one species of knowledge; and contentious learning is only the conflict of opinion which ever exists when any science is in progress, and the way from sense to the understanding is not sufficiently cleared; (*c*) and falsehood is one of the consequences attendant upon inquiry, as our opinions, being formed not only by impressions upon our senses, but by confidence in the communication of others and our own reasonings, unavoidably teem with error, which can by time alone be corrected.

Study of words.

As it is Bacon's doctrine that knowledge consists in understanding the properties of creatures and the names by which they are called, "the occupation of Adam in Paradise," (*d*) it may seem extraordinary that he should not have formed a higher estimate than he appears to have formed of the study of words. Words assist thought; they teach us correctness; they enable us to acquire the knowledge and character of other nations; (*e*) and the

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(*c*) See Nov. Org. Aph. 76. vol. ix. p. 227.

(*d*) Advancement of Learning, vol. ii. p. 55.

(*e*) The following ingenious observations are from the De Augmentis, book vi. chap. i. vol. viii. p. 309. "Atque unà etiam hoc pacto capientur signa haud levia, sed observatu digna (quod fortassè quispiam non putaret) de ingeniis et moribus populorum et nationum, ex linguis ipsorum. Equidem libentèr audio Ciceronem notantem, quòd apud Græcos desit verbum, quod Latinum illud Ineptum reddat; 'Propterea,' inquit, 'quòd Græcis hoc vitium tam familiare fuit, ut illud in se ne agnoscerent quidem:' digna certè gravitate Romanâ censura. Quid illud quòd Græci in compositionibus verborum tantâ licentiâ usi sunt, Romani contrà magnam in hâc re severitatem adhibuerunt? Planè colligat quis Græcos fuisse artibus, Romanos rebus gerendis, magis idoneos. Artium enim distinctiones verborum compositionem ferè exigunt; at res et negotia simpliciora verba postulant. Quin Hebræi tantum compositiones illas refugiunt, ut malint metaphorâ abuti quàm compositionem introducere. Quinetiam verbis tam paucis et minimè commixtis utuntur, ut planè ex linguâ ipsâ quis perspiciat gentem fuisse illam Nazaræam, et a reliquis gentibus separatam. Annon et illud

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study of ancient literature in particular, if it is not an exercise of the intellect, is a discipline of humanity; if it do not strengthen the understanding, it softens and refines the taste; it gives us liberal views; it accustoms the mind to take an interest in things foreign to itself; to love virtue for its own sake; to prefer glory to riches, and to fix our thoughts on the remote and permanent, instead of narrow and fleeting objects. It teaches us to believe that there is really something great and excellent in the world, surviving all the shocks and accidents and fluctuations of opinion, and raises us above that low and servile fear, which bows only to present power and upstart authority. Rome and Athens filled a place in the history of mankind which can never be occupied again. They were two cities set on a hill which can not be hid; all eyes have seen them, and their light shines like a mighty sea-mark into the abyss of time,

"Still green with bays each ancient altar stands."(*a*)

But, notwithstanding these advantages, Bacon says, "the studying words and not matter is a distemper of learning, of which Pygmalion's frenzy is a good emblem; for words are but the images of matter, and to fall in love with them is all one as to fall in love with a picture." (*b*)

These different subjects are classed under the quaint

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observatione dignum (licèt nobis modernis spiritus nonnihil retundat) antiquas linguas plenas declinationum, casuum, conjugationum, temporum, et similium fuisse; modernas, his ferè destitutas, plurima per præpositiones et verbâ auxiliaria segnitèr expedire? Sanè facilè quis conjiciat, utcùnque nobis ipsi placemus, ingenia priorum sæculorum nostris fuisse multò acutiora et subtiliora. Innumera sunt ejusmodi, quæ justum volumen complere possint."

(*a*) See this passage in William Hazlitt's Table Talk.

(*b*) Vol. ii. p. 37.

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expression of "Distempers of Learning," to which, that the metaphor may be preserved, he has appended various other defects, under the more quaint term of "peccant Humours of Learning." (*b*)

His observations upon the advantages of learning, although encumbered by fanciful and minute analysis, abound with beauty; for, not contenting himself with the simple position with which philosophy would be satisfied, that knowledge teaches us how to select what is beneficial and avoid what is injurious, he enumerates various modes, divine and human, by which the happiness resulting from knowledge ever has been and ever will be manifested.

After having stated what he terms *divine* proofs of the advantages of knowledge, he says, the *human* proofs are:

1. Learning diminishes afflictions from nature.
2. Learning diminishes evils from man to man.
3. There is a union between learning and military virtue.
4. Learning improves private virtues.
    1. It takes away the barbarism of men's minds.
    2. It takes away levity, temerity, and insolency.
    3. It takes away vain admiration.
    4. It takes away or mitigates fear.
    5. It disposes the constitution of the mind not to be fixed or settled in its defects, but to be susceptible of growth and reformation.
5. It is power.
6. It advances fortune.
7. It is our greatest source of delight.
8. It insures immortality.

(*b*) See next page for the Analysis.

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These positions are proved by all the force of his reason, and adorned by all the beauty of his imagination. When speaking of the power of knowledge to repress the inconveniences which arise from man to man, he says, "In Orpheus's theatre all beasts and birds assembled, and, forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men, who are full of savage and unreclaimed desires of profit, of lust, of revenge; which, as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion." Government.

So when explaining, amidst the advantages of knowledge, its excellency in diffusing happiness through succeeding ages, he says, "Let us conclude with the dignity and excellency of knowledge and learning in that where- Posthumous fame.

The Analysis of this subject is as follows:

- Distempers of Learning.
  - 1. General.
    - 1. Fantastical.
    - 2. Contentious.
    - 3. Delicate.
  - 2. Peccant humours.
    - 1. Antiquity and Novelty. } Nothing new.
    - 2. Prevalence of Truth.
    - 3. Arrangement.
    - 4. Universality.
    - 5. Metaphysics.
    - 6. Infecting opinions.
    - 7. Haste.
    - 8. Positiveness.
    - 9. Want of Invention.
    - 10. Erroneous motives.

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unto man's nature doth most aspire, which is, immortality or continuance: for to this tendeth generation, and raising of houses and families; to this buildings, foundations, and monuments; to this tendeth the desire of memory, fame, and celebration, and in effect the strength of all other human desires. We see then how far the monuments of wit and learning are more durable than the monuments of power or of the hands. For have not the verses of Homer continued twenty-five hundred years, or more, without the loss of a syllable or letter; during which time infinite palaces, temples, castles, cities, have been decayed and destroyed? It is not possible to have the true pictures or statues of Cyrus, Alexander, Cæsar; no, nor of the kings or great personages of much later years; for the originals cannot last, and the copies cannot but leese of the life and truth: but the images of men's wits and knowledges remain in books exempted from the wrong of time, and capable of perpetual renovation. Neither are they fitly to be called images, because they generate still, and cast their seeds in the minds of others, provoking and causing infinite actions and opinions in succeeding ages; so that, if the invention of the ship was thought so noble, which carrieth riches and commodities from place to place, and consociateth the most remote regions in participation of their fruits, how much more are letters to be magnified, which, as ships, pass through the vast seas of time, and make ages so distant to participate of the wisdom, illuminations and inventions, the one of the other?"

After having thus explained some of the blessings attendant upon knowledge, he concludes the first book with lamenting that these blessings are not more generally preferred. (*a*)

(*a*) See ante, page xi.

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The second book, after various preliminary observations, and particularly upon the defects of universities, (*b*) of which, from the supposition that they are formed rather for the discovery of new knowledge than for diffusing the knowledge of our predecessors, he, through life, seems to have formed too high an estimate, he arranges and adorns every species of history, (*d*) which he includes within the province of memory,—and every species of poetry, (*e*) by which imagination can "elevate the mind from the dungeon of the body to the enjoying its own divine essence:"—and, passing from poetry, by saying, "but it is not good to stay too long in the theatre: let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention," he proceeds to the investigation of every species of philosophy, divine, natural, and human, of which, from his analysis of human philosophy, or the science of man, some conception may be formed of the extent and perfection of the different parts of the work.

(*b*) See note K at the end.

(*d*) The following is his Analysis of History:

- 1. Different Histories.
  - 1. Natural.
    - 1. Of Creatures.
    - 2. Of Marvels.
    - 3. Of Arts.
  - 2. Civil.
    - 1. Fragments.
      - 1. Memorials.
      - 2. Antiquities.
    - 2. Perfect.
      - 1. Simple.
        - 1. Biography.
        - 2. Chronicles.
        - 3. Relations.
      - 2. Mixed.
  - 3. Ecclesiastical.
    - 1. The Church.
    - 2. Prophecy.
    - 3. Providence.
- 2. Appendices.
  - 1. Memorials.
  - 2. Epistles.
  - 3. Apothegms.

(*e*) 1. Narrative. 2. Representative. 3. Parabolical.

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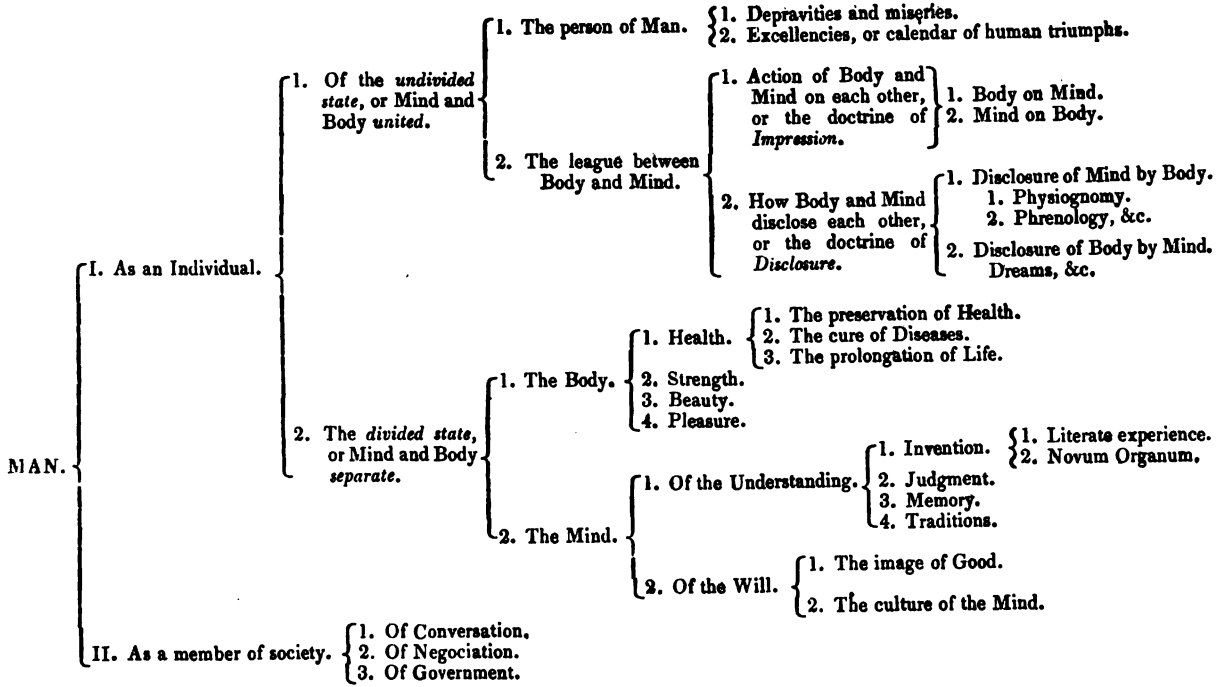

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These different subjects, exhibited with this perspicuity, are adorned with beautiful illustration and imagery: as, when explaining the doctrine of the will, divided into the image of good or the exhibition of truth, and the culture or Georgics of the mind, which is its husbandry or tillage so as to love the truth which it sees, he says, "The neglecting these Georgics seemeth to me no better than to exhibit a fair image or statue, beautiful to behold, but without life or motion." (*a*)

Having thus made a small globe of the intellectual world, he, looking at the work he had made, and hoping that it was good, thus concludes: "And being now at some pause, looking back into that I have passed through, this writing seemeth to me, 'si nunquam fallit imago,' (as far as a man can judge of his own work) not much better than the noise or sound which musicians make while they are tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards: so have I been content to tune the instruments of the muses, that they may play that have better hands. And surely, when I set before me the condition of these times, in which learning hath made her

(*a*) The passage is as follows: "In the handling of this science, those which have written seem to me to have done as if a man, that professeth to teach to write did only exhibit fair copies of alphabets and letters joined, without giving any precepts or directions for the carriage of the hand and framing of the letters: so have they made good and fair exemplars and copies, carrying the draughts and portraitures of good, virtue, duty, felicity; propounding them well described as the true objects and scopes of man's will and desires; but how to attain these excellent marks, and how to frame and subdue the will of man to become true and conformable to these pursuits, they pass it over altogether," &c.

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third visitation or circuit in all the qualities thereof: as the excellency and vivacity of the wits of this age; the noble helps and lights which we have by the travails of ancient writers; the art of printing, which communicateth books to men of all fortunes; the openness of the world by navigation, which hath disclosed multitudes of experiments, and a mass of natural history; the leisure wherewith these times abound, not employing men so generally in civil business as the states of Græcia did, in respect of their popularity, and the state of Rome, in respect of the greatness of their monarchy; the present disposition of these times at this instant to peace; the consumption of all that ever can be said in controversies of religion, which have so much diverted men from other sciences; and the inseparable property of time, which is ever more and more to disclose truth,—I cannot but be raised to this persuasion, that this third period of time will far surpass that of the Grecian and Roman learning; only if men will know their own strength, and their own weakness both; and take, one from the other, light of invention, and not fire of contradiction; and esteem of the inquisition of truth, as of an enterprize, and not as of a quality or ornament; and employ wit and magnificence to things of worth and excellency, and not to things vulgar and of popular estimation."

Of this work he presented copies to the King and to different statesmen, and, to secure its perpetuity, he exerted himself with his friends to procure a translation of it into Latin, which, in the decline of his life, he accomplished. (a)

1606. Æt. 46. As a philosopher, Bacon, who beheld all things from a cliff, thus viewed the intellectual globe, dilating his sight to survey the whole of science, and contracting it so that the minutest object could not escape him.

(a) For the different editions and further particulars of this work, see note AAA at the end.

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Sweet as such speculations were to such a mind: pleasing as the labour must have been in surmounting the steeps: delightful to tarry upon them, and painful to quit them, he did not suffer contemplation to absorb his mind; but as a statesman, he was ever in action, ever advancing the welfare of his country. These opposite exertions were the necessary result of his peculiar mind; for, as knowledge takes away vain admiration, as no man marvels at the play of puppets who has been behind the curtain, (*a*) Bacon could not have been misled by the baubles by which common minds are delighted; (*d*) and, as he had examined the nature of all pleasures, and felt that knowledge and benevolence, which is ever in its train, surpassed them all; (*e*) the chief source of his happiness, wherever situated, must have consisted in diminishing evil and in promoting good.

With his delicate health and intense love of knowledge, he ought in prudence to have shunned the broad way and the green, and retreated to contemplation; but it was his favourite opinion that, "in this theatre of man's life, God and angels only should be lookers-on; that contemplation and action ought ever to be united, a conjunction like unto that of the two highest planets, Saturn the planet of rest, and Jupiter the planet of action."

He could not, thus thinking, but engage in active life; and, so engaged, he could not but act in obedience to the passion by which he was alone animated; by exerting himself and endeavouring to excite others to promote the public good. We find him, therefore, labouring as a statesman and a patriot to improve the condition of Ireland; to

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(*a*) Advancement of Learning, vol. ii. p. 80.

(*d*) When the populace huzzaed Dr. Swift upon his arrival in Ireland, "I wish," he said, "they would huzza my lord mayor."

(*e*) Advancement of Learning, vol. ii. p. 85.

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promote the union of England and Scotland; to correct the errors which had crept into our religious establishments, and to assist in the amendment of the law; and, not content with the fruits of his own exertions, calling upon all classes of society to co-operate in reform.

To professional men he says, "I hold that every man is a debtor to his profession, from the which, as men do of course seek to receive countenance and profit, so ought they to endeavour themselves by way of amends, to be a help and ornament."(*a*) And he admonishes the King, that, "as a duty to himself, to the people, and to the King of kings, he ought to erect temples, tombs, palaces, theatres, bridges, make noble roads, cut canals, grant multitude of charters and liberties for comfort of decayed companies and corporations; found colleges and lectures for learning and the education of youth; institute orders and fraternities for nobility, enterprize, and obedience; but, above all, establish good laws for the regulation of the kingdom, and as an example to the world."

Ireland. On the first day of the ensuing year he thus presented, as a new year's gift to the King, a discourse touching the plantation of Ireland: (*b*) "I know not better how to express my good wishes of a new year to your majesty, than by this little book, which in all humbleness I send you. The style is a style of business, rather than curious or elaborate. And herein I was encouraged by my experience of your majesty's former grace, in accepting of the like poor field fruits touching the union. And certainly I reckon this action as a second brother to the union. For I assure myself that England, Scotland, and Ireland, well united, is such a trefoil as no prince except yourself, who are the worthiest, weareth in his crown."

(*a*) See note 3 G at the end. (*b*) Vol. v. p. 170.

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In this discourse, his knowledge of the miseries of Ireland, that still neglected country, and of the mode of preventing them, with his heartfelt anxiety for her welfare, appears in all his ardent endeavours, by all the power he possessed, to insure the King's exertions for "this desolate and neglected country, blessed with almost all the dowries of nature, with rivers, havens, woods, quarries, good soil, temperate climate, and a race and generation of men, valiant, hard, and active, as it is not easy to find such confluence of commodities, if the hand of man did join with the hand of nature; but they are severed,—the harp of Ireland is not strung or attuned to concord. This work, therefore, of all other, most memorable and honourable, your majesty hath now in hand; specially, if your majesty join the harp of David in casting out the evil spirit of superstition, with the harp of Orpheus, in casting out desolation and barbarism."(*a*)

Scotland.

His exertions respecting the union of England and Scotland were, both in and out of parliament, strenuous and unremitted. He spoke whenever the subject was agitated. He was a member of every committee that was formed to carry it into effect: he prepared the certificate of the commissioners appointed to treat of the union: and he was selected to report the result of a conference with the Lords; until, exhausted by fatigue, he was compelled to intercede with the house that he might be assisted by the co-operation of other members in the discharge of these arduous duties;(*b*) and, it having been decided by all the judges, after an able argument of Bacon's, that all persons born in Scotland *after* the King's commission were natural born subjects, he laboured in parliament to extend these privi-

(*a*) Speech on General Naturalization.

(*b*) Commons' Journals.

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leges to all Scotland, that the rights enjoyed by the children should not be withheld from their parents.

The journals of the Commons contain an outline of many of his speeches, of which one upon the union of laws, and another upon the general naturalization of the Scottish nation were completed, and have been preserved; and are powerful evidence of his zeal and ability in this good cause, exerted at the risk of the popularity, which, by his independent conduct in parliament, he had justly acquired. (*a*) But he did not confine his activity to the bar or to the House of Commons. In his hours of recreation he wrote three works for the use of the King: "A Discourse upon the happy Union; (*b*) "Considerations on the same;" (*c*) and a preparation towards "the union of these two mighty and warlike nations under one sovereign and monarchy, and between whom there are no mountains or races of hills, no seas or great rivers, no diversity of tongue or language that hath created or provoked this ancient and too long continued divorce."

Church Reform.

His anxiety to assist in the improvement of the church appears in his exertions in parliament, and in his publications in his times of recreation. When assisting in the improvement of our civil establishment, he was ever mindful that our country ought to be treated as our parents, with mildness and persuasion, and not with contestations; (*d*) and, in his suggestions for the improvement of our religious establishments, his thoughts have a glory around them, from the reverence with which he always approaches this sacred subject, and particularly on the eve of times, which he foresaw, when voices in religion were to be numbered and not weighed, and when his daily prayer was, "Remember, O Lord, how thy servant hath walked before

(*a*) Vol. v. p. 1.
(*b*) Vol. v. p. 16.
(*c*) Vol. v. p. 1 to 106.
(*d*) Advancement of Learning.

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thee: remember what I have first sought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the division of the church: I have delighted in the brightness of thy sanctuary. This vine which thy right hand hath planted in this nation, I have ever prayed unto thee that it might stretch her branches to the seas and to the floods."

His publications are two: the one entitled, "An Advertisement, touching the Controversies of the Church of England;" the other "Certain Considerations touching the better Pacification and Edification of the Church of England." These tracts abound with thought; and, according to his usual mode, consist of an extensive survey of the whole of our religious establishment, and the most minute observations of all its parts, even to the surplice of the minister, that simple pastoral garment, which, with the crook to guide, and to draw back the erring flock, beautiful emblems of the good shepherd, are still retained by the established church.

Church Controversies.

His tract upon *church controversies* (*a*) contains an outline of all religious disputes, and abounds with observations well worthy the consideration of ecclesiastical controversialists; who will, perchance, submit to be admonished by Bacon that, as christians, they should contend, not as the briar with the thistle, which is most unprofitable, but as the vine with the olive, which bears best fruit.

Edification of the Church.

The considerations touching the *pacification of the church* are dedicated to the King; and, after apologizing for his interposition as a layman with ecclesiastical matters, (*b*) and describing the nature of the various reformers, and the objections to the reform of the church, he examines with great accuracy the government of bishops,—the

(*a*) See this tract analyzed, vol. vii. p. xx. in preface, and see the tract in text, vol. vii. p. 28.

(*b*) Vol. v. p. 61.

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liturgy,—the ceremonies, and subscription,—a preaching ministry,—the abuse of excommunications,—the provision for sufficient maintenance in the church, and non-residents and pluralities, of which he says: "For non-residence, except it be in case of necessary absence, it seemeth an abuse, drawn out of covetousness and sloth; for that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted."(*a*) And he thus concludes: "Thus have I, in all humbleness and sincerity of heart, to the best of my understanding, given your majesty tribute of my cares and cogitations in this holy business, so highly tending to God's glory, your majesty's honour, and the peace and welfare of your states; insomuch as I am persuaded, that the papists themselves should not need so much the severity of penal laws, if the sword of the spirit were better edged, by strengthening the authority, and suppressing the abuses in the church."

Solicitor General. 1607. Æt. 47.

Early in this year an event occurred of considerable importance to his worldly prospects and professional tranquillity, by the promotion of Sir Edward Coke from the office of Attorney General to the Chief Justiceship of the Common Pleas, occasioning a vacancy in the office of Solicitor General, which Bacon strenuously exerted himself to obtain, under the delusion, that, by increasing his practice, he should be enabled sooner to retire into contemplative life. He applied to Lord Salisbury, to the Lord Chancellor,(*b*) and to the King, by whom on the 25th

(*a*) The good shepherd knoweth his sheep, and is known of them; but the hireling fleeth because he is an hireling.

(*b*) His letter to the Chancellor concludes with saying, "I am much

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day of June, 1607, he was appointed Solicitor, to the great satisfaction of his profession, (*c*) the prospect of worldly emolument, and the hope of professional tranquillity, by a removal from conflict with the coarse mind and acrid humour of Sir Edward Coke, rude to his equals and insolent to the unfortunate.

Who can forget his treatment of Bacon who, when reviled, reviled not again, (*d*) but in due season thus expostulated with him:

Mr. Attorney,—I thought best once for all, to let you know in plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you I pray think of me; I am one that knows both mine own wants and other men's: and it may be, perchance, that mine mend, others stand at a stay. And surely, I may not endure in public place to be wronged, without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers,

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deceived if your lordship find not the King well inclined, and my Lord Salisbury forward and affectionate."

(*c*) In his letter to Lord Salisbury, he says, "I have been voiced to this office."

(*d*) "A true Remembrance of the Abuse I received of Mr. Attorney General publicly in the Exchequer the first day of term; for the truth whereof I refer myself to all that were present.

"I moved to have a reseizure of the lands of George More, a relapsed recusant, a fugitive, and a practising traitor; and shewed better matter for the Queen against the discharge by plea, which is ever with a 'salvo jure.' And this I did in as gentle and reasonable terms as might be.

"Mr. Attorney kindled at it, and said, 'Mr. Bacon, if you have any tooth against me, pluck it out; for it will do you more hurt than all the teeth in your head will do you good.' I answered coldly in these very words; 'Mr. Attorney, I respect you: I fear you not; and the less you speak of your own greatness, the more I will think of it.'

"He replied, 'I think scorn to stand upon terms of greatness towards

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which would be glad to have you paid at another's cost. Since the time I missed the Solicitor's place, the rather, I think, by your means, I cannot expect that you and I shall ever serve as Attorney and Solicitor together, but either to serve with another, upon your remove, or to step into some other course; so as I am more free than ever I was from any occasion of unworthy conforming myself to you more than general good manners, or your particular good usage shall provoke: and, if you had not been short-sighted in your own fortune, as I think, you might have had more use of me; but that tide is passed. I write not this, to show my friends what a brave letter I have written to Mr. Attorney; I have none of those humours, but that I have written is to a good end: that is, to the more decent carriage of my master's service, and to our particular better understanding one of another. This letter, if it shall be answered by you in deed and not in word, I suppose it will not be worse for us both; else it is but a few lines lost, which, for a much smaller matter I would have adventured. So this being to yourself, I for my part rest, &c.

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you, who are less than little; less than the least:' and other such strange light terms he gave me, with that insulting, which cannot be expressed.

"Herewith stirred, yet I said no more but this: 'Mr. Attorney, do not depress me so far; for I have been your better, and may be again, when it please the Queen.'

"With this he spake, neither I nor himself could tell what, as if he had been born attorney general; and in the end bade me not meddle with the Queen's business, but with mine own, and that I was unsworn, &c. I told him, sworn or unsworn was all one to an honest man; and that I ever set my service first, and myself second; and wished to God, that he would do the like.

"Then he said, it were good to clap a 'cap. utlegatum' upon my back! To which I only said he could not; and that he was at fault; for he hunted upon an old scent.

"He gave me a number of disgraceful words besides; which I answered with silence, and shewing that I was not moved with them."

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Of Coke's bitter spirit there are so many painful instances, that, unless Bacon had to complain of unfairness in other matters, the acrimony which overflowed upon all, could not be considered altogether the effect of personal rivalry. It would have been well had his morbid feelings been confined to his professional opponents; but, unmindful of the old maxim, "let him take heed how he strikes, who strikes with a dead hand," his rancorous abuse extended to prisoners on trials for their lives, (*a*) for which he was severely censured by Bacon, who told him that in his pleadings he was ever wont to insult over misery. (*b*)

Who can forget Coke's treatment of Raleigh, entitled as he was by station and attainments to the civil observances of a gentleman, and, by long imprisonment and subsequent misfortunes, to the commiseration of all men. It is true that there were some persons present at this trial, who remembered that Raleigh and Cobham had stood only a few years before, with an open satisfaction, to witness the death of Essex, against whom they had secretly conspired; but even the sense of retributive justice, though it might deaden their pity, could not lessen their disgust at the cruel and vulgar invectives of Coke, whose knowledge neither expanded his intellect, or civilized his manners. Fierce with dark keeping, his mind resembled some of those gloomy structures where records and muniments are piled to the exclusion of all higher or nobler matters. For genius he had no love: with philosophy he had no sympathy.

Upon the trial of Raleigh, Coke, after denouncing him

(*a*) Coke, upon the trial of Mrs. Turner, told her that she was "guilty of the seven deadly sins;" that she was "a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer."

(*b*) Letter of expostulation, vol. vii. p. 297.

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as an atheist and a traitor, reproached him, with the usual antipathy of a contracted mind to superior intellect, for being a genius and man of wit. (c)

(c) Raleigh. To whom speak you this? You tell me news I never heard of.

Attorney. Oh, sir, do I? I will prove you the notoriest traitor that ever came to the bar. After you have taken away the King, you would alter religion: as you, Sir Walter Raleigh, have followed them of the bye in imitation; for I will charge you with the words.

Raleigh. Your words cannot condemn me; my innocency is my defence. Prove one of these things wherewith you have charged me, and I will confess the whole indictment, and that I am the horriblest traitor that ever lived, and worthy to be crucified with a thousand thousand torments.

Attorney. Nay, I will prove all: thou art a monster; thou hast an English face, but a Spanish heart. Oh sir! I am the more large, because I know with whom I deal; *for we have to deal to-day with a man of wit.*

Raleigh. If truth be constant, and constancy be in truth, why hath he forsworn that that he hath said? You have not proved any one thing against me by direct proofs, but all by circumstances.

Attorney. Have you done? The King must have the last.

Raleigh. Nay, Mr. Attorney, he which speaketh for his life must speak last. False repetitions and mistakings must not mar my cause. You should speak *secundum allegata et probata.* I appeal to God and the King in this point, whether Cobham's accusation be sufficient to condemn me.

Attorney. The King's safety and your clearing cannot agree. I protest before God, I never knew a clearer treason.

Raleigh. I never had intelligence with Cobham since I came to the Tower.

Attorney. Go to, I will lay thee upon thy back, for the confidentest traitor that ever came at a bar. Why should you take eight thousand crowns for a peace?

Lord Cecil. Be not so impatient, good Mr. Attorney; give him leave to speak.

Attorney. If I may not be patiently heard, you will encourage traitors, and discourage us. I am the King's sworn servant, and must speak: if he be guilty, he is a traitor: if not deliver him.

Note, here Mr. Attorney sat down in a chafe, and would speak no more, until the Commissioners urged and intreated him. After much ado he went on, and made a long repetition of all the evidence, for the direction of the jury: and at the repeating of some things, Sir Walter Raleigh interrupted him, and said he did him wrong.

Attorney. Thou art the most vile and execrable traitor that ever lived.

Raleigh. You speak indiscreetly, barbarously, and uncivilly.

Attorney. I want words sufficient to express thy viperous treasons.

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When Bacon presented him with a copy of his Novum Organum he wrote with his own hand, at the top of the title page, *Edw. C. ex dono auctoris.*

Auctori Consilium.
Instaurare paras veterum documenta sophorum:
Instaura Leges Justitiamq; prius.

And over the device of the ship passing between Hercules's pillars, he wrote the two following verses:-

"It deserveth not to be read in schools,
But to be freighted in the Ship of Fooles."(a)

From professional altercations with this contracted mind Bacon was rescued by his promotion.

Another and more important advantage attendant upon his appointment was the opportunity which it afforded him to assist in the encouragement of merit and in legal reform. *Detur digniori* was his constant maxim and constant practice. (b) He knew and taught that power to do good is the true and lawful end of aspiring; and, when appointed Solicitor, he acted in obedience to his doctrines, encouraging merit, and endeavouring to discharge the duty which he owed to his profession by exertions and works for the improvement of the law. (c)

Raleigh. I think you want words indeed, for you have spoken one thing half a dozen times.

Attorney. Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride.

Raleigh. It will go near to prove a measuring cast between you and me, Mr. Attorney.

Attorney. Well, I will now make it appear to the world, that there never lived a viler viper upon the face of the earth than thou.—*State Trials.*

See note XXXX at the end.

(a) See note YYYY at the end.

(b) Sic postea, when he was Chancellor. See note 4 A at the end. Paley, vol. i. p. 94.

(c) See note CC at the end.

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Cogitata et Visa, &c.

In the midst of arduous affairs of state and professional duties, he went right onward with his great work, conferring with various scholars and philosophers, from whose communications there was any probability of his deriving advantage.

In the progress of the Novum Organum he had, at different periods, even from his youth, arranged his thoughts upon detached parts of the work, and collected them under different titles: "Temporis partus maximus,"(*a*) "Filum Labyrinthi,"(*b*) "Cogitata et Visa, &c."(*c*)

He now sent to the Bishop of Ely the "Cogitata et Visa."(*d*) He communicated also on the subject with his friend, Mr. Mathew, who, having cautioned him that he might excite the prejudices of the churchmen, spoke freely, yet with approbation of the work.(*e*) He also sent the tract to Sir Thomas Bodley, who received it with all the attachment of a collegian to Aristotle and the schoolmen and university studies, and, with the freedom of a friend, respectfully imparted to Bacon that his plan was visionary.(*f*)

Wisdom of the Ancients.

In the year 1609, as a relaxation from abstruse speculations,(*g*) he published in Latin his interesting little work,

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(*a*) See vol. xi. p. 478.

(*b*) See vol. i. p. 311, and vol. x. p. 372.

(*c*) See vol. x. p. 462.

(*d*) See the letter, vol. xii. p. 93.

(*e*) See vol. xii. p. 90 to 94.

(*f*) See vol. xii. p. 83.

(*g*) "Le changement d'étude est toujours un delasement pour moi."

D'Aguesseau.

"What an heaven lives a scholar in, that at once in one close room can daily converse with all the glorious martyrs and fathers? that can single out at pleasure either sententious Tertullian, or grave Cyprian, or resolute Hierome, or flowing Chrysostome, or divine Ambrose, or devout Bernard, or (who alone is all these) heavenly Augustine, and talk with them, and hear their wise and holy counsels, verdicts, resolutions; yea (to rise higher), with courtly Esay, with learned Paul, with all their fellow-prophets,

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"De Sapientia Veterum," of which he sent a copy to his friend, Mr. Mathew, saying, "My great work goeth forward, and after my manner I alter ever when I add."

This treatise is a species of parabolical poetry, explained in the Advancement of Learning, and expanded by an insertion in the treatise De Augmentis Scientiarum of three of the Fables.(*a*) "One use of parabolical poesy consists," he says, "in withdrawing from common sight those things the dignity whereof deserves to be retired, as the secrets and mysteries of religion, policy, and philosophy, which are therefore veiled and invested in fables and parables, and, next to sacred writ, are the most ancient of all writings; for adopted, not excogitated by the reciters, they seem to be like a thin rarefied air, which, from the traditions of more ancient nations, fell into the flutes of the Grecians."

This tract seems, in former times, to have been much valued, for the same reason, perhaps, which Bacon assigns for the currency of the Essays; "because they are like the late new halfpence, where the pieces are small, but the silver is good."

The fables, abounding with a union of deep thought and poetic beauty, are thirty-one in number,(*b*) of which a part of "The Syrens, or Pleasures," may be selected as a specimen.

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apostles; yet more, like another Moses, with God himself, in them both? Let the world contemn us; while we have these delights we cannot envy them; we cannot wish ourselves other than we are." See Bishop Hall's beautiful essay on the Pleasure of Study and Contemplation.

(*a*) See vol. viii. p. 124.

(*b*) Cassandra, or Divination.
Typhon, or a Rebel.
The Cyclops, or the Ministers of Terror.
Narcissus, or Self Love.
Styx, or Leagues.
Pan, or Nature.
Perseus, or War.
Endymion, or a Favourite.
The Sister of the Giants, or Fame.
Actæon and Pentheus, or a Curious Man.
Orpheus, or Philosophy.
Cœlum, or Beginnings.
Proteus, or Matter.
Memnon, or Youth too forward.

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In this fable he explains the common but erroneous supposition, that knowledge and the conformity of the will, knowing and acting, are convertible terms.—Of this error he, in his essay of "Custom and Education," admonishes his readers, by saying, "Men's thoughts are much according to their inclination; their discourse and speeches according to their learning and infused opinions, but their deeds are after as they have been accustomed; Æsop's damsel, transformed from a cat to a woman, sat very demurely at the board-end till a mouse ran before her."—In the fable of the Syrens he exhibits the same truth, saying, "The habitation of the Syrens was in certain pleasant islands, from whence, as soon as out of their watch-tower they discovered any ships approaching, with their sweet tunes they would first entice and stay them, and, having them in their power, would destroy them; and, so great were the mischiefs they did, that these isles of the syrens, even as far off as man can ken them, appeared all over white with the bones of unburied carcasses: by which it is signified that albeit the examples of afflictions be manifest and eminent, yet they do not sufficiently deter us from the wicked enticements of pleasure." (*a*)

Tithonus, or Satiety.
Juno's Suitor, or Baseness.
Cupid, or an Atom.
Diomedes, or Zeal.
Dædalus, or Mechanic.
Ericthonius, or Imposture.
Deucalion, or Restitution.
Nemesis, or the Vicissitudes of Things.
Achelous, or Battle.
Dionysius, or Passions.
Atalanta, or Gain.
Prometheus, or the State of Man.
Scylla and Icarus, or the Middle Way.
Sphynx, or Science.
Proserpina, or Spirit.
Metis, or Counsel.
The Syrens, or Pleasures.

(*a*) See note CCC at the end, for the various editions of this work, and observations upon them. See vol. iii. p. 1, for the English, and vol. xi. p. 271, for the Latin.

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CHAPTER II.

FROM THE PUBLICATION OF THE WISDOM OF THE ANCIENTS TO THE PUBLICATION OF THE NOVUM ORGANUM.

In consequence of the limitation, in the court of King's Bench, (*a*) of the jurisdiction of the Marshalsea court to the officers of the King's household, a new court of record was erected by letters patent, styled "Curia virgi palatii summi Regis," to extend the jurisdiction; and the judges nominated by the letters patent were Sir Francis Bacon the Solicitor General, and Sir James Vavasour, then Marshal of the Household. (*b*) In this office he delivered a learned and methodical charge to a jury upon a commission of oyer and terminer, in which he availed himself of an opportunity to protest against the abuse of capital punishment. (*c*) "For life," he says, "I must say unto you in general that it is grown too cheap in these times; it is set at the price of words, and every petty scorn and disgrace can have no other reparation; nay, so many men's lives are taken away with impunity, that the very life of the law, the execution, is almost taken away." Marshalsea.

When Solicitor he argued in the case of Sutton's Hospital, or the Charter House, (*d*) against the legality of the Charter House.

(*a*) Michelbonn's case, 6 Co. 20.

(*b*) A history of this court, its officers, &c. may be found in a tract published by Clarke and Co. Law-booksellers, Portugal Street, A.D. 1812. See also Buckley on Jurisdiction of Marshalsea, 1827.

(*c*) See vol. vi. p. 85.

(*d*) 10 Co. 1.

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foundation, and, fortunately for the advancement of charity and of knowledge, he argued without success, as its validity was confirmed; and in 1611 this noble institution was opened, to the honour of its munificent founder, who preferred the consciousness of doing good to the empty honours which were offered to divert him from his course. (*a*) It seems, however, that Bacon's objections to the charity were not confined to his argument at the bar, but were the expression of his judgment, as he afterwards addressed a letter of advice to the King, pointing out many imaginary or real defects of the project, (*b*) in which he says, "I wish Mr. Sutton's intentions were exalted a degree; and that which he meant for teachers of children, your majesty should make for teachers of men; wherein it hath been my ancient opinion and observation, (*c*) that in the universities of this realm, which I take to be of the best endowed universities of Europe, there is nothing more wanting towards the flourishing state of learning than the honourable and plentiful salaries of readers in arts and professions; for, if you will have sciences flourish, you must observe David's military law, which was, 'that those which staid with the carriage should have equal part with those which were in the action.'" (*c*)

1612. Æt. 52. Death of the Prince, and Essays.

In the year 1612, he published a new edition of his essays, enlarged and enlivened by illustrations and imagery, (*d*) which, upon the sudden death of Prince Henry, (*e*)

(*a*) See note AAAA at the end.

(*b*) See vol. v. p. 374.

(*c*) Advancement of Learning, vol. ii. p. 94.

(*d*) See note 3 I at the end.

(*e*) Prince Henry died 6th Nov. 1612. See the intended dedication, in note 3 I at the end. See the character of Prince Henry, in Hume's history. See Wilson's history.

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to whom it was intended to be dedicated, he inscribed to his brother. (*a*)

In this year he, as Solicitor General, appeared on behalf of the crown, upon the prosecution of the Lord Sanquhar, a Scottish nobleman, for murder; and his speech, which has been preserved, is a specimen of the mildness ever attendant upon knowledge. (*b*) After having clearly stated the case, he thus concludes: "I will conclude toward you, my lord, that though your offence hath been great, yet your confession hath been free, and your behaviour and speech full of discretion; and this shews, that though you could not resist the tempter, yet you bear a christian and generous mind, answerable to the noble family of which you are descended. (*c*)

(*a*) To my loving Brother, Sir John Constable, Knight.*

My last essays I dedicated to my dear brother, Master Anthony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature; which, if I myself shall not suffer to be lost, it seemeth the world will not, by the often printing of the former. Missing my brother, I found you next, in respect of bond both of near alliance and of straight friendship and society, and particularly of communication in studies, wherein I must acknowledge myself beholding to you; for as my business found rest in my contemplations, so my contemplations ever found rest in your loving conference and judgment. So wishing you all good, I remain

Your loving brother and friend, FRA. BACON.†

See the dedication to Goldsmith's Traveller.

(*b*) See note (*c*), next page.

(*c*) He was executed before Westminster Hall-gate. The reader, for his fuller information in this story of the Lord Sanquhar, is desired to peruse

* Brother to Lady Bacon. † See note 3 I at the end.

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During the time he was Solicitor, he composed, as it seems, his "Confession of Faith." (a)

Attorney General.

Bacon as Solicitor naturally looked forward to the office of Attorney General, to which he succeeded on the 27th of October, upon the promotion of Sir Henry Hobart to the Chief Justiceship of the Common Pleas. (b) Never was man more qualified for the office of Attorney General than Bacon. With great general knowledge, ever tending to humanize (c) and generate a love of improvement; (d) with great insight into the principles of politics (e) and of universal justice, (e) and such worldly experience as to enable him to apply his knowledge to the times in which he lived. "Non in republicâ Platonis; sed tanquam in fæce Romuli;" with long unwearied professional exertion in the law of England, publications upon existing parts of the law, and efforts to improve it, he entered upon the duties of his office with the well founded hope in the profession, that he would be an honour to his name and his country,

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the case in the ninth book of the Lord Coke's reports; at the end of which the whole series of the murder and trial is exactly related. See also vol. vi. p. 167.

(a) See the preface to vol. vii. p. xix.

(b) There are extant two letters to Lord Salisbury (see vol. xii. p. 63), one to the Chancellor, vol. xii. p. 105, and one to the King, vol. xii. p. 106, respecting this appointment.

(c) Advancement of Learning, vol. ii. p. 80. "It is an assured truth which is contained in the verses:

'Scilicet ingenuas didicisse fideliter artes,
Emollit mores, nec sinit esse feros."

It taketh away the wildness and barbarism and fierceness of men's minds; but indeed the accent had need be upon 'fideliter:' for a little superficial learning doth rather work a contrary effect."

(d) Advancement of Learning, vol. ii. p. 82. "The unlearned man knows not what it is to descend into himself, or to call himself to account; nor the pleasure of that 'suavissima vita, indies sentire se fieri meliorem.'"

(e) See note C C at the end.

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and without any fear that he would be injured by the dangerous authority with which he was entrusted. Although power has, upon ordinary minds, a tendency to shape and deprave the possessor, upon intelligence it tends more to humble than to elevate. When Cromwell, indignant that Sir Matthew Hale had dismissed a jury because he was convinced that it had been partially selected, said to this venerable magistrate, "You are not fit to be a judge," Sir Matthew answered, "It is very true." When Alexander received letters out of Greece of some fights and services there, which were commonly for a passage or a fort, or some walled town at the most, he said, "It seemed to him, that he was advertised of the battle of the frogs and the mice, that the old tales went of: so certainly, if a man meditate much upon the universal frame of nature, the earth with men upon it, the divineness of souls except, will not seem much other than an ant-hill, where as some ants carry corn, and some carry their young, and some go empty, and all to and fro a little heap of dust." (*a*)

With the duties of the office he was well acquainted. As a politician he never omitted an opportunity to ameliorate the condition of society, and exerted himself in all the usual House of Commons questions: thus dilating and contracting his sight and too readily giving up to party what was meant for mankind. As public prosecutor, he did not suffer the arm of justice to be weakened either by improper lenity or severity at variance with public feeling. (*b*)

(*a*) Advancement of Learning, vol. ii. p. 81.

(*b*) See his advice to Villiers, vol. vi. p. 419, in which he says, "A word more, if you please to give me leave, for the true rules of moderation of justice on the King's part. The execution of justice is committed to his judges, which seemeth to be the severer part; but the milder part, which

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Knowing that the efficacy of criminal legislation consists in duly poising the powers of law, religion, and morals; and being aware of the common erroneous supposition, that, by an increase in the quantity of any agent, its beneficial effects are also increased,(*a*) he warned the community that the acerbity of a law ever deadened the execution, by associating compassion with guilt, and confounding the gradation of crime, and that the sentiment of justice in the public mind is as much or more injured by a law which outrages public feeling, as by a law which falls short or disappoints the just indignation of the community.

But, not confining his professional exertions to the discharge of the common duties of a public prosecutor, he availed himself of his situation to advance justice and humanity, and composed a work for compiling and amending the laws of England, which he dedicated to the King. (*a*) "Your majesty," he says, "of your favour having made me privy councillor, and continuing me in the place of your Attorney General, I take it to be my duty not only to speed your commandments and the business of my place, but to meditate and to excogitate of myself, wherein I may best, by my travails, derive your virtues to the good of your people, and return their thanks

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is mercy, is wholly left in the King's immediate hand: and justice and mercy are the true supporters of his royal throne.

"If the King shall be wholly intent upon justice, it may appear with an over-rigid aspect; but if he shall be over-remiss and easy, it draweth upon him contempt. Examples of justice must be made sometimes for terror to some; examples of mercy sometimes, for comfort to others; the one procures fear, and the other love. A king must be both feared and loved, else he is lost."

(*a*) Debent igitur homines ludibrium illud mulieris Æsopi cogitare; quae sperârat ex duplicatâ mensurâ hordei gallinam suam duo ova quotidie parituram. At illa impinguata nullum peperit.—De Augmentis, LV. v. 8. p. 267.

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and increase of love to you again. And after I had thought of many things, I could find, in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling the laws of England." (*a*)

In this tract, having traced the exertions of different legislators from Moses to Augustus, he says, "Cæsar si ab eo quæreretur quid egisset in togâ, leges se respondisset multas et præclarus tulisse;" and his nephew Augustus did tread the same steps but with deeper print, because of his long reign in peace, whereof one of the poets of his time saith,

> "Pace data terris animum ad civilia vertit
> Jura suum, legesque tulit justissimus auctor." (*b*)

From July, 1610, until this period, there had not been any parliament sitting; and the King, unable to procure the usual supplies, had recourse, by the advice of Lord Salisbury, to modes injurious to himself, and not warranted by the constitution. Bacon, foreseeing the evils which must result from these expedients, implored the King to discontinue them, and to summon a parliament. (*c*) 1614. Æt. 54.

(*a*) See note C C at the end.

(*b*) So, too, Sir Samuel Romilly, who was animated by a spirit public as nature, was no sooner promoted to the office of Solicitor General, than he submitted to parliament his proposals for the improvement of the bankrupt law and the criminal law. "Long," he says, "has England been a scene of carnage and desolation; a brighter prospect has now opened before us.

> —'Peace hath her victories
> Not less renowned than war."*

> * Multis ille flebilis occidit
> Nulli flebilior mihi.

(*c*) * * * I will make two prayers unto your majesty. The one is, that these cogitations of want do not any ways

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A parliament was accordingly summoned, and met in April, 1614, when the question, whether the Attorney General was eligible to sit in the house was immediately agitated; and, after debate and search of precedents, it was resolved, that, by reason of his office, he ought not

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trouble or vex your mind. I remember Moses saith of the land of promise, that it was not like the land of Egypt that was watered with a river, but was watered with showers from heaven; whereby I gather, God preferreth sometimes uncertainties before certainties, because they teach a more immediate dependance upon his providence. Sure I am, *nil novi accidit vobis.* It is no new thing for the greatest kings to be in debt; and, if a man shall *parvis componere magna,* I have seen an Earl of Leicester, a Chancellor Hatton, an Earl of Essex, and an Earl of Salisbury in debt; and yet was it no manner of diminution to their power or greatness.

My second prayer is, that your majesty, in respect of the hasty freeing of your estate, would not descend to any means, or degree of means, which carrieth not a symmetry with your majesty and greatness. He is gone from whom those courses did wholly flow. So have your wants and necessities in particular, as it were, hanged up in two tablets before the eyes of your Lords and Commons, to be talked of for four months together; to have all your courses to help yourself in revenue or profit put into printed books, which were wont to be held *arcana imperii;* to have such worms of aldermen to lend for ten in the hundred upon good assurance, and with such * *, as if it should save the bark of your fortune; to contract still where might be had the readiest payment, and not the best bargain; to stir a number of projects for your profit, and then to blast them, and leave your majesty nothing but the scandal of them; to pretend an even carriage between your majesty's rights and the ease of the people, and to satisfy neither. These

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to sit in the House of Commons, as he was an attendant on the Lords; but it was resolved that the present Attorney General shall for this parliament remain in the house, although this privilege shall not extend to any future attorney general.

Upon his entrance on the discharge of his legal duties, an opportunity to eradicate error accidentally presented itself. Amongst the criminal informations filed in the Star Chamber by his predecessor, he found a charge against two obscure persons for the crime of duelling. Of this opportunity he instantly availed himself, to expose the nature of these false imaginations of honour, by which, in defiance of virtue, disregard of the law, and contempt of religion, vice and ignorance raise themselves in the world upon the reputation of courage; and high-minded youth, full of towardness and hope, such as the poets call "auroræ filii," sons of the morning, are deluded by this fond disguise and puppetry of honour. (*a*)

Duelling. 11 Jac. 1614. Æt. 54.

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courses, and others the like, I hope, are gone with the deviser of them, which have turned your majesty to inestimable prejudice.

I hope your majesty will pardon my liberty of writing. I know these things are *majora quam pro fortunâ:* but they are *minor a quam pro studio et voluntate.* I assure myself your majesty taketh not me for one of a busy nature; for my state being free from all difficulties, and I having such a large field for contemplations, as I have partly, and shall much more make manifest to your majesty and the world, to occupy my thoughts, nothing could make me active but love and affection. So praying my God to bless and favour your person and estate, &c.

(*a*) In the tract, which may be found in vol. vi. p. 108, he considers, 1st, the mischiefs of duelling; 2ndly, the causes; 3rdly, the origin, &c. and various other topics,

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Under-takers.

The King's great object in summoning a parliament was the hope to obtain supplies; a hope which was totally defeated by a rumour that several persons, attached to

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In considering the *mischiefs*, he says, "It is a miserable effect, when young men full of towardness and hope, such as the poets call 'auroræ filii,' sons of the morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner."

In considering the *causes*, he says, "The first motive, no doubt, is a false and erroneous imagination of honour; by which the spirits of young men, that bear great minds are deluded and carried away by a stream of vulgar opinion, to which men of value feel a necessity to conform.

He then shews that this invention of modern times originated in France, and was unknown to the ancients in Greece and Rome the most valiant and generous nations of the world; and when, amongst the Turks, there was a combat of this kind performed by two persons of quality, wherein one of them was slain; the other party was convened before the Bashaw, by whom the reprehension was in these words: "How durst you undertake to fight one with the other? Are there not Christians enough to kill?"

He then says, "For this apprehension of a disgrace, that a fillip to the person should be a mortal wound to the reputation, it were good that men did hearken unto the saying of Gonsalvo, the great and famous commander, that was wont to say a gentleman's honour should be "de telâ crassiore," of a good strong warp or web, that every little thing should not catch in it; when, as now, it sems they are but of cobweb lawn or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick man's body that is so tender that it feels every thing."

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the King, had entered into a confederacy, and had undertaken to secure a majority to enable him to control the house. To pacify the heat, Bacon made a powerful speech, (*a*) in which he ridicules the supposition that any man can have embarked in such a wild undertaking as to control the Commons of England: to make a policy of insurance as to what ship shall come safe home into the

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He concludes by calling upon the lords, "for justice' and true honour's sake, honour of religion, law, and the King, to co-operate with him against this fond and false disguise or puppetry of honour."

(*a*) The speech itself may be found in vol. vi. p. 13. The following is a short outline of it: "Mr. Speaker," he says, "I have been hitherto silent in this matter of Undertaking, wherein, as I perceive, the house is much enwrapped.

"First, because to be plain with you, I did not well understand what it meant, or what it was; and I do not love to offer at that I do not thoroughly conceive. That private men should undertake for the Commons of England: why? a man might as well undertake for the four elements: it is a thing, so giddy, and so vast: it is so wild for any man to think that he can make a policy of insurance as to what ship shall come safe home into the harbour in these troubled seas," &c. as in the text.

"The second reason that made me silent was, because this suspicion and rumour of undertaking settles upon no person certain. It is like the birds of paradise," &c. as in the text.

"And lastly, since I perceive that this cloud still hangs over the house, and that it may do hurt, as well in fame abroad as in the King's ear, I resolved with myself to do the part of an honest voice in this house, to counsel you what I think to be for the best."

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harbour in these troubled seas; to find a new passage for the King's business, by a new and unknown point of the compass: to build forts to intimidate the house, unmindful that the only forts by which the King of England can command, is the fort of affection moving the hearts, and of reason the understandings of his people. He then implores the house not to listen to these idle rumours, existing only in the imagination of some deluded enthusiast, who like the fly upon the chariot wheel, says, What a dust do I raise! and, being without foundation or any avowed author, are like the birds of paradise, without feet, and never lighting upon any place, but carried away by the wind whither it listeth. Let us then," he adds, " instead of yielding to these senseless reports, deliberate upon the perilous situation in which the government is placed: and, remembering the parable of Jotham, in the case of the trees of the forest, that when question was, whether the vine should reign over them? that might not be;—and whether the olive should reign over them? that might not be, let us consider whether we have not accepted the bramble to reign over us. For it seems that the good vine of the King's graces, that is not so much in esteem: and the good oil, whereby we should relieve the wants of the estate and crown, is laid aside; and this bramble of contention and emulation, this must reign and rule amongst us."

Having examined and exposed all the arguments, he concludes by saying: " Thus I have told you mine opinion. I know it had been more safe and politic to have been silent; but it is more honest and loving to speak. When a man speaketh, he may be wounded by others; but if he holds his peace from good things, he wounds himself."

The exertions of Bacon and of the King's friends being, however, of no avail, the King, seeing no hope of assist-

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ance, in anger dissolved the parliament, and committed several of the members who had spoken freely of his measures.

This violence, instead of allaying, increased the ferment in the nation; and, unable to obtain a supply from parliament, and being extremely distressed for money, several of the nobility and clergy in and about London, made presents to the King; and letters were written to the sheriffs and justices in the different counties, and to magistrates of several corporations, informing them what had been done in the metropolis, and how acceptable and seasonable similar bounty would be from the country. June, 1614. Æt. 54.

Amongst others, a letter was sent to the Mayor of Marlborough in Wiltshire, where Mr. Oliver St. John, a gentleman of an ancient family, was then residing, who wrote to the mayor on the 11th of October, 1614, representing to him that this benevolence was against law, reason, and religion,(*a*) and insinuating that the King, by

(*a*) Wilson says, "These fair blossoms not producing the hoped-for fruit, they find out new projects to manure the people; different much in name and nature; a benevolence extorted; a free gift against their wills was urged upon them, and they that did not give in their money must give in their names, which carried a kind of fright with it. But the most knowing men (like so many pillars to the kingdom's liberties) supported their neighbour's tottering resolutions, with assuring them that these kind of benevolences were against law, reason, and religion.

"First, against law, being prohibited by divers acts of parliament; and a curse pronounced against the infringers of them.

"Secondly, against reason, that a particular man should oppose his judgment and discretion to the wisdom and judgment of the King assembled in parliament, who have there denied any such aid.

"Thirdly, against religion, that a king violating his oath (taken at his coronation for maintaining the laws, liberties, and customs of the realm) should be assisted by the people in an act of so much injustice and impiety. These and many other arguments, instilled into the people by some good patriots, were great impediments to the benevolence; so that

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promoting it, had violated his coronation oath, and that, by such means as these, King Richard the Second had given an opportunity to Henry the Fourth to deprive him of his crown; desiring, if he thought fit, that his sentiments should be communicated to the justices who were to meet respecting the benevolence.

For this letter, Mr. St. John was tried in the Star Chamber on the 15th of April, 1615; when, the Attorney General appearing, of course, as counsel for the crown, the defendant was fined £5000., imprisoned during the King's pleasure, and ordered to make submission in writing.

So deeply were the judges impressed with the enormity of this offence, that some of the court thought the crime of a higher nature than a contempt, but they all agreed that the benevolence was not restrained by any statute; and the Lord Chancellor, who was then, as he supposed, on his death-bed, more than once expressed his anxiety that his passing sentence upon Mr. St. John might be his last act of judicial duty. (*a*)

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they got but little money, and lost a great deal of love: for no levies do so much decline and abase the love and spirits of the people as unjust levies. Subsidies get more of their money, but exactions enslave the mind; for they either raise them above, or depress them beneath their sufferings, which are equally mischievous, and to be avoided."

(*a*) A letter reporting the state of my Lord Chancellor's health, Jan. 29, 1614.

It may please your excellent Majesty,—Because I know your majesty would be glad to hear how it is with my Lord Chancellor; and that it pleased him out of his ancient and great love to me, which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which during these three days he hath scarcely done to any; I thought it might be pleasing to your majesty to certify you how I found him. I found him in bed, but his spirits fresh and good, speaking stoutly, and without being spent or weary, and both willing and beginning of himself to speak, but wholly of your majesty's business. Wherein I cannot

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Such was the state of the law and of the opinion of justice which at that time prevailed! (*a*)

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forget to relate this particular, that he wished that his sentencing of I. S. at the day appointed might be his last work, to conclude his services, and express his affection towards your majesty. I told him I knew your majesty would be very desirous of his presence that day, so it might be without prejudice, but otherwise your majesty esteemed a servant more than a service, especially such a servant. Not to trouble your majesty, though good spirits in sickness be uncertain calendars, yet I have very good comfort of him, and I hope by that day, &c.

See to the same effect, a letter of Feb. 7, 1614, entitled, A letter to the King, touching my Lord Chancellor's amendment, and the putting off I. S. his cause.

(*a*) Bacon's speech has fortunately been preserved.*— "In the last parliament there was," he says, "a great and reasonable expectation in the community that the people would grant to the King such supplies as were necessary for the maintenance of the government: and there was in the house a general disposition to give, and to give largely. The clocks in the house, perchance, might differ; some went too fast, some went too slow: but the disposition to give was general. It was, however, by an accident defeated; and this accident, happening thus contrary to expectation, it stirred up and awaked, in divers of his majesty's worthy servants and subjects, of the clergy, the nobility, the court, and others here near at hand, an affection loving and cheerful, to present the King some with plate, some with money, as a freewill offering. As the occasion did awake the love and benevolence of those that were at hand to give, so it was apprehended and thought fit, by my lords of the council, to make a proof whether the occasion and example both would not awake those in

* See vol. vi. p. 138. It is entitled, The Charge given by Sir Francis Bacon, his Majesty's Attorney General, against Mr. I. S. for scandalizing and traducing, in the public sessions, letters sent from the Lords of the Council touching the benevolence.

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The dissatisfaction which existed in the community, at the state of the government, now manifested itself in various modes, and was, according to the usual efforts of

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the country, of the better sort to follow. Whereupon, their lordships devised and directed letters unto the sheriffs and justices, which declared what was done here above, and wished that the country might be moved, especially men of value. Care was however taken, that that which was then done might not have the effect, no nor the shew, no nor so much as the shadow of a tax: breeding or bringing in, any ill precedent or example. It was not so much as recommended, until many that were never moved nor dealt with, *ex mero motu*, had freely and frankly sent in their presents. The whole carriage of the business had no circumstance compulsory. There was no proportion or rate set down, not so much as by way of a wish: there was no menace of any that should deny; no reproof of any that did deny, no certifying of the names of any that had denied. It was a benevolence, not an exaction; it was what the subject of his good will would give, not what the King of his good will would take.

Amongst other countries, these letters of the lords came to the justices of Devonshire, who signified the contents thereof, and gave directions and appointments for meetings, concerning the business, to several towns and places within that county, and amongst the rest, notice was given unto the town of A. The mayor of A. conceiving that this Mr. I. S. (being a principal person, and a dweller in that town) was a man likely to give both money and good example, dealt with him, to know his mind; but he, instead of sending an answer, absented himself, and published a seditious accusation against the King and the state, and sent it to the mayor to read at the meeting."

He then divides the libel into four parts, saying, "The

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power, attempted to be repressed by criminal prosecutions. Amongst others, the Attorney General was employed in the prosecution for high treason of a Mr. Peacham,

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first of these, which concerns the King, I have taken to myself, the other three I have distributed to my fellows; and the part which I have selected gives me a just and necessary occasion to make some representation of his majesty, such as truly he is found to be in his government.

"My lords, I do not mean to make any panegyric or laudative, but it is fit to burn incense where evil odours have been cast and raised. The libel says King James is a violator of the liberties, laws, and customs of his kingdoms. I say he is a constant protector and conservator of them all: in maintaining religion; in maintaining the laws of the kingdom, which is the subject's birthright; in temperate use of the prerogative; in due and free administration of justice, and conservation of the peace of the land.

"For religion, he hath maintained it not only with sceptre and sword, but by his pen. He hath awaked and reauthorized the whole party of the reformed religion throughout Europe, which through the insolency, and diverse artifices and enchantments of the adverse part, was dejected. He hath summoned the fraternity of kings to enfranchise themselves from the usurpation of the see of Rome. He hath made himself a mark of contradiction for it.

"I cannot remember religion and the church, but I must think of the seedplots of the same, which are the universities, to which he hath been a benign or benevolent planet, by whose influence those nurseries and gardens of learning were never more in flower nor fruit.

"For the maintaining of the laws, which is the hedge and fence about the liberty of the subject, I may truly affirm it was never in better repair. He doth concur with the votes of the nobles, *Nolumus leges Angliæ mutare.* He is an enemy of innovation; neither doth the univer-

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a clergyman between sixty and seventy years of age; of Mr. Owen, of Godstow in Oxfordshire, a gentleman of property and respectability; and of William Talbot, an Irish barrister, for maintaining, in different modes, that, if

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sality of his own knowledge carry him to neglect or pass over the very forms of the laws of the land.

"As for the use of the prerogative, it runs within the ancient channels and banks; some things that were conceived to be in some proclamations, commissions, and patents as overflows, have been by his wisdom and care reduced, whereby, no doubt, the main channel of his prerogative is so much the stronger; for evermore overflows do hurt the channel.

"As for administration of justice, my lords here of the council and the King himself meddle not (as hath been used in former times) with matters of *meum* and *tuum*, but leave them to the King's courts of law or equity; and for mercy and grace (without which there is no standing before justice), we see the King now hath reigned twelve years in his white robe, without almost any aspersion of the crimson die of blood. There sits my Lord Hobart, that served Attorney seven years: I served with him. We were so happy, as there passed not through our hands any one arraignment for treason, and but one for any capital offence, which was that of the Lord Sanquhar; the noblest piece of justice (one of them) that ever came forth in any king's times. As for penal laws, which lie as snares upon the subjects, it yields a revenue that will scarce pay for the parchment of the King's records at Westminster.

"And lastly, for peace; we see manifestly, his majesty bears some resemblance of that great name, a prince of peace; he hath preserved his subjects, during his reign, in peace both within and without, Touching the benevolence, I leave it to others."

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the King were excommunicated and deprived by the Pope, it was lawful for any person to kill him.

The prosecution against Peacham was for several treasonable passages in a sermon, found in his study, but never preached, and never intended to be preached. (*a*)

Doubts being entertained both of the fact with respect to the intention to preach, and of the law supposing the intention to have existed, recourse was had to expedients from which, in these enlightened times, we recoil with horror.

To discover the fact, this old clergyman was put upon the rack, and was examined "before torture, in torture, between torture, and after torture," but no confession was extorted, which was instantly communicated by Bacon to the King. (*b*)

(*a*) Cro. Cas. 125.

(*b*) A Letter to his Majesty, concerning Peacham's cause.

It may please your excellent Majesty,—It grieveth me exceedingly, that your majesty should be so much troubled with this matter of Peacham's; whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions (which I wish were otherwise) yet I hope well the end will be good. But then every man must put to his helping hand; for else I must say to your majesty, in this and the like cases, as St. Paul said to the centurion, when some of the mariners had an eye to the cock-boat, "except these stay in the ship, ye cannot be safe." I find in my lords great and worthy care of the business. And for my part, I hold my opinion and am strengthened in it by some records that I have found. God preserve your majesty. Your majesty's most humble and devoted subject and servant.

21st January, 1614.

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To be certain of the law, the King resolved to obtain the opinions of the judges before the prosecution was commenced. For this purpose, the Attorney General was employed to confer with Sir Edward Coke, Mr. Serjeant Montague to speak with Justice Crooke, Mr. Serjeant

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To the King.

May it please your most excellent Majesty,—I send your majesty enclosed a copy of our last examination of Peacham,* taken the 10th of this present; whereby your majesty may perceive that this miscreant wretch goeth back from all, and denieth his hand and all; no doubt being fully of belief that he should go presently down to his trial, he meant now to repeat his part which he purposed to play in the country, which was to deny all. But your majesty in your wisdom perceiveth that this denial of his hand, being not possible to be counterfeited, and to be sworn by Adams, and so oft by himself formerly confessed and admitted, could not mend his case before any jury in the world, but rather aggravateth it by his notorious impudency and falsehood, and will make him more odious. He never deceived me; for when others had hopes of discovery, and thought time well spent that way, I told your majesty, *pereuntibus mille figuræ;* and that he now did but turn himself into divers shapes, to save or delay his punishment. And therefore, submitting myself to your majesty's high wisdom, I think myself bound in conscience to put your majesty in remembrance, whether Sir John Sydenham* shall be detained upon this man's impeaching, in whom there is no truth. Notwithstanding that farther inquiry be made of this other Peacham, and that

* He had been confronted, about the end of February or beginning of March, 1614-15, with Mr. Peacham, about certain speeches which had formerly passed between them.—MS. letter of Mr. Chamberlain to Sir Dudley Carleton, from London, March 2, 1614-15.

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Crew with Justice Houghton, and Mr. Solicitor with Justice Dodderidge, who were instructed by Bacon that they should presently speak with the three judges, before he could see Coke; and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. The three judges very readily gave their opinions; but with Sir Edward Coke the task was not so easy: for his high and independent spirit refused to submit to these private conferences, contrary, as he said, to the custom of the realm, which requires the judges not to give opinion by fractions, but entirely and upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous. (*a*)

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information and light be taken from Mr. Poulet* and his servant, I hold it, as things are, necessary. God preserve your majesty. Your Majesty's most humble and devoted subject and servant, FR. BACON.

March 12, 1614.

(*a*) Sir Matthew Hale would never suffer his opinion in any case to be known till he was obliged to declare it judicially; and he concealed his opinion in great cases so carefully, that the rest of the judges in the same court could never perceive it: his reason was, because every judge ought to give sentence according to his own persuasion and conscience, and not to be swayed by any respect or deference to another man's opinion; and by his means it hath happened sometimes, that when all the barons of the Exchequer had delivered their opinions, and agreed in their reasons and arguments, yet he coming to speak last, and differing in judgment from them, hath expressed himself with so much weight and solidity, that the barons have immediately retracted their votes and concurred with him.

* John Poulet, Esq. knight of the shire for the county of Somerset, in the parliament which met April 5, 1614. He was created Lord Poulet of Henton St. George, June 23, 1627.

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The answer to this resistance, Bacon thus relates in a letter to the King: "I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one. I added, that judges sometimes might make a suit to be spared for their opinion till they had spoken with their brethren; but if the King upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining; nay, that it touched upon a violation of their oath, which was to counsel the King without distinction, whether it were jointly or severally. Thereupon I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives; and many things more precious than the life of a particular; as war and peace, and the like." (*a*)

By this reasoning Coke's scruples were, after a struggle, removed, and he concurred with his brethren in obedience to the commands of the King. (*b*)

From the progress which knowledge has made, during the last two centuries, in the science of justice and its administration, mitigating severity, abolishing injurious restraints upon commerce, and upon civil and religious

(*a*) Vol. xii. p. 128.

(*b*) See note ZZ at the end.

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liberty, and preserving the judicial mind free, almost, from the possibility of influence, we may, without caution, feel disposed to censure the profession of the law at that day for practices so different from our own. Passing out of darkness into light, we may for a moment be dazzled, and forget the ignorance from which we have emerged; an evil attendant upon the progress of learning, which did not escape the observation of Bacon, by whom we are admonished, that "if knowledge, as it advances, is taken without its true corrective, it ever hath some nature of venom or malignity, and some effects of that venom, which is ventosity or swelling. This corrective spice, the mixture whereof maketh knowledge so sovereign, is charity; of which the apostle saith, 'If I spake with the tongues of men and angels, and had not charity, it were but as a tinkling cymbal.'" (*a*)

For having thus acted in obedience to the King's commands, by a compliance with error sanctioned by the practice of the profession, Bacon has, without due consideration been censured by a most upright, intelligent judge of modern times, who has thus indirectly accused the bar as venal, and the bench as perjured. (*b*)

To this excellent man posterity has been more just: we do not brand Judge Foster with the imputation of cruelty, for having passed the barbarous and disgraceful sentence upon persons convicted of high treason, which was not abolished till the reign of George the Fourth; nor do we censure the judges in and before the time of Elizabeth for not having resisted the infliction of torture, sanctioned by the law, which was founded upon the erroneous principle that men will speak truth, when under the influence of a

(*a*) Advancement of Learning, vol. ii. p. 101.

(*b*) See note Z Z at the end.

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passion more powerful than the love of truth;(*a*) nor shall we be censured, in future times, for refusing, in excessive obedience to this principle, to admit the evidence of the richest peer of the realm, if he have the interest of sixpence in the cause; nor has Sir Matthew Hale been visited with the sin of having condemned and suffered to be executed, a mother and her daughter of eleven years of age, for witchcraft, under the quaint advice of Sir Thomas Brown, one of the first physicians and philosophers of his, or, indeed, of any time, who was devoting his life to the confutation of what he deemed vulgar errors! (*b*)

(*a*) Beccaria. "The result of torture, then, is a matter of calculation, and depends on the constitution, which differs in every individual, and is in proportion to his strength and sensibility; so that to discover truth by this method is a problem, which may be better solved by a mathematician than a judge, and may be thus stated. The force of the muscles, and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime."

(*b*) Amy Duny and Rose Callender were tried and condemned at Bury St. Edmunds, in Suffolk, by the Lord Chief Baron Hale; an account of the trial was printed in his lordship's lifetime. They were tried upon thirteen several indictments: Amy Duny was charged with bewitching Mr. Pacey's children, and causing them to have fits, and when Sir Thomas Brown, the famous physician of his time, who was in court, was desired by my Lord Chief Baron to give his judgment in the case, he declared, "that he was clearly of opinion that the fits were natural, but heightened by the devil, co-operating with the malice of the witches at whose instance he did the villanies;" and he added, "that in Denmark there had been lately a great discovery of witches who used the very same way of afflicting persons, by conveying pins into them." This made that great and good man doubtful, but he was in such fears that he would not so much as sum up the evidence, but left it to the jury with prayers, "that the great God of Heaven would direct their hearts in that weighty matter." The jury, having Sir Thomas Brown's declaration about Denmark for their encouragement, in half an hour brought them in guilty upon all the thirteen indictments. After this my Lord Chief Baron gave the law its course, and they were condemned, and died declaring their innocence.

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nor will the judges of England hereafter be considered culpable for having at one session condemned and left for execution six young men and women under the age of twenty, for uttering forged one-pound notes;(*a*) or for having, so late as the year 1820, publicly sold for large sums the places of the officers of their courts.

To persecute the lover of truth for opposing established customs, and to censure him in after ages for not having been more strenuous in opposition, are errors which will never cease until the pleasure of self-elevation from the depression of superiority is no more. "These things must continue as they have been: so too will that also continue, whereupon learning hath ever relied, and which faileth not: justificata est sapientia a filiis suis."(*b*)

Bacon, unmoved by the prejudice, by which during his life he was resisted, or the scurrilous libels by which he was assailed, went right onward in the advancement of knowledge, the only effectual mode of decomposing error Where he saw that truth was likely to be received, he presented her in all her divine loveliness. When he could not directly attack error, when the light was too strong for weak eyes, he never omitted an opportunity to expose it. Truth is often silent as fearing her judge, never as suspecting her cause.

In his letter to the King, stating that Peacham had been put to the torture, he says, "though we are driven to make our way through questions, which I wish were otherwise,(*c*) yet I hope the end will be good:" and, unable at

(*a*) See the public newspaper of December 4, 1820.

(*b*) See Advancement of Learning, vol. ii. p. 88.

(c) See note (*b*), ante, p. 169. In his apology respecting Essex, he says, "For her majesty being mightily incensed with that book, which was dedicated to my Lord of Essex, being a story of the first year of King Henry IV. thinking it a seditious prelude to put into the people's

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that period to counteract the then common custom of importuning the judges, he warned Villiers of the evil. "By no means," he says, "be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the King himself from it, upon the importunity of any for themselves or their friends: if it should prevail, it perverts justice; but if the judge be so just, and of such courage, as he ought to be, as not to be inclined thereby, yet it always leaves a taint of suspicion behind it; judges must be as chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust; and, Sir, the honour of the judges in their judicature is the King's honour, whose person they represent." (*a*)

The trial of Peacham took place at Taunton on the 7th of August, 1615, before the Chief Baron and Sir Henry Montagu. Bacon did not attend, but the prosecution was conducted by the King's Serjeant and Solicitor, when the old clergyman, who defended himself, "very simply, al-

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head boldness and faction, said, she had an opinion that there was treason in it, and asked me if I could not find any places in it that might be drawn within case of treason: whereto I answered, for treason surely I found none, but for felony very many. And when her majesty hastily asked me, wherein? I told her, the author had committed very apparent theft: for he had taken most of the sentences of Cornelius Tacitus, and translated them into English, and put them into his text; and another time, when the Queen would not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author; and said with great indignation, that she would have him racked to produce his author: I replied, "Nay, madam, he is a doctor; never rack his person, but rack his style; let him have pen, ink, and paper, and help of books, and be enjoined to continue the story where it breaketh off, and I will undertake by collating the styles to judge whether he were the author or no."

(*a*) See Advice to Villiers, vol. vi. p. 400.

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though obstinately and doggedly enough," was convicted, but, some of the judges doubting whether it was treason, he was not executed. (*b*)

(*b*) Edmund Peacham, a minister in Somersetshire [MS. letter of Mr. Chamberlain, dated January 5, 1614-5]. I find one of both his names, who was instituted into the vicarage of Ridge, in Hertfordshire, July 22, 1581, and resigned it in 1587 [Newcourt Reporter, vol. i. p. 864]. Mr. Peacham was committed to the Tower for inserting several treasonable passages in a sermon never preached, nor, as Mr. Justice Croke remarks in his Reports during the reign of King Charles I. p. 125, ever intended to be preached. Mr. Chamberlain, in a letter of the 9th of February, 1614-5, to Sir Dudley Carleton, mentions Mr. Peacham's having been "stretched already, though he be an old man, and, they say, much above threescore; but they could wring nothing out of him more than they had at first in his papers. Yet the king is extremely incensed against him, and will have him prosecuted to the uttermost." In another letter, dated February 23, we are informed that the king, since his coming to London on the 15th, had had "the opinion of the judges severally in Peacham's case; and it is said, that most of them concur to find it treason; yet my lord chief justice [Coke] is for the contrary; and if the Lord Hobart, that rides the western circuit, can be drawn to jump with his colleague, the chief baron [Tanfield], it is thought he shall be sent down to be tried, and trussed up in Somersetshire." In a letter of the 2nd of March, 1614-5, Mr. Chamberlain writes, "Peacham's trial at the western assizes is put off, and his journey stayed, though Sir Randall Crew, the king's serjeant, and Sir Henry Yelverton, the solicitor, were ready to go to horse to have waited on him there." "Peacham, the minister," adds he, in a letter of the 13th of July, 1615, "that hath been this twelvemonth in the Tower, is sent down to be tried for treason in Somersetshire, before the lord chief baron and Sir Henry Montagu, the recorder. The Lord Hobart gave over that circuit the last assizes. Sir Randall Crew and Sir Henry Yelverton, the king's serjeant and solicitor, are sent down to prosecute the trial." The event of this trial, which was on the 7th of August, appears from Mr. Chamberlain's letter of the 14th of that month, wherein it is said that "seven knights were taken from the bench, and appointed to be of the jury. He defended himself very simply, but obstinately and doggedly enough. But his offence was so foul and scandalous, that he was condemned of high treason; yet not hitherto executed, nor perhaps shall be, if he have the grace to submit himself, and shew some remorse. He died, as appears from another letter of the 27th of March, 1616, in the jail at Taunton, where he was said to have "left behind a most wicked and desperate writing, worse than that he was convicted for."

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The same course of private consultation with the judges would have been adopted in the case of Owen, had not the Attorney General been so clear in his opinion of the treason, as to induce him to think it inexpedient to imply that any doubt could be entertained. (*a*)

His speeches against Owen (*b*) and Talbot, (*c*) which are preserved, are in the usual style of speeches of this nature, with some of the scurrility by which the eloquence of the bar was at that time polluted.

When speaking of the King's clemency, he says, "The King has had too many causes of irritation: he has been irritated by the Powder treason, when, in the chair of majesty, his vine and olive branches about him, attended by his nobles and third estate in parliament, he was, in the twinkling of an eye, as if it had been a particular doomsday, to have been brought to ashes, and dispersed to the four winds.—He hath been irritated by wicked and monstrous libels, and by the violence of demagogues, who have at all times infested, and in times of disturbance, when the scum is uppermost, ever will infest society; confident and daring persons, *Nihil tam verens, quam ne dubitare aliquâ de re, videretur*, priding themselves in pulling

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(*a*) A letter to the King of account of Owen's cause, &c. 11th Feb. 1614.

It may please your excellent Majesty,—Myself, with the rest of your counsel learned, conferred with my Lord Cooke and the rest of the judges of the King's Bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true that your majesty in your letter did mention, that the same course might be held in the taking of opinions apart, in this which was prescribed and used in Peacham's cause; yet both my lords of the council and we, amongst ourselves, holding it in a case so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges (if cause were) more strongly (which is somewhat) we thought best rather to use this form.

(*b*) Vol. vi. p. 172. (*c*) Vol. vi. p. 452.

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down magistrates, and chaunting the psalm, "Let us bind the kings in chains, and the nobles in fetters of iron."

During this year an event occurred, which materially affected the immediate pursuits and future fate of Sir Francis Bacon,—the King's selection of a new favourite.

George Villiers, a younger son of Sir George Villiers and Mary Beaumont, on each side well descended, was born in 1592. Having early lost his father, his education was conducted by Lady Villiers, and, though he was naturally intelligent and of quick parts, more attention was paid to the graces of manner and the lighter accomplishments which ornament a gentleman, than the solid learning and virtuous precepts which form a great and good man. At the age of eighteen he travelled to France, and, having passed three years in the completion of his studies, he returned to the seat of his forefathers, in Leicestershire, where he conceived an intention of settling himself in marriage; but, having journeyed to London, and consulted Sir Thomas Gresham, that gentleman, charmed by his personal beauty and graceful deportment, advised him to relinquish his intention, and try his fortune at court. Shrewd advice, which he, without a sigh, obeyed. He sacrificed his affections at the first temptation of ambition.

The King had gradually withdrawn his favour from Somerset, equally displeased by the haughtiness of his manners, and by an increasing gloom that obscured all those lighter qualities which had formerly contributed to his amusement, a gloom soon after fatally explained. Although powerfully attracted by the elegance and gaiety of Villiers, yet James had been so harassed by complaints of favouritism, that he would not bestow any appointment upon him, until solicited by the Queen and some of the gravest of his councillors. In 1613 Villiers was taken into the King's household, and rose rapidly to the highest

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honours. He was nominated cupbearer, received several lucrative appointments; the successive honours of knighthood, of a barony, an earldom, a marquisate, and was finally created Duke of Buckingham.

From the paternal character of Bacon's protection of the new favourite, it is probable that he had early sought his assistance and advice; as a friendship was formed between them, which continued with scarcely any interruption till the death, and, indeed, after the death of Bacon:(a) a friendship which was always marked by a series of the wisest and best counsels, and was never checked by the increased power and elevation of Villiers.

This intimacy between an experienced statesman and a rising favourite was naturally looked upon with some jealousy, but it ought to have been remembered that there was never any intimacy between Bacon and Somerset. In the whole of his voluminous correspondence, there is not one letter of solicitation or compliment to that powerful favourite, or any vain attempt to divert him from his own gratifications to the advancement of the public good; but in Villiers he thought he saw a better nature, capable of such culture, as to be fruitful in good works. Whatever the motives were in which this union originated, the records extant of the spirit by which it was cemented are honourable to both. In the courtesy and docility of Villiers, Bacon did not foresee the rapacity that was to end in his own disgrace, and in the violent death of the favourite.

About this period, Sir George Villiers personally and by letter, importuned his friend to communicate his sentiments respecting the conduct which, thus favoured by the King, it would be proper for him to observe; and, considering these requests as commands, Bacon wrote a letter

(a) See Bacon's will.

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of advice to Villiers, such as is not usually given in courts, but of a strain equally free and friendly, calculated to make the person to whom it was addressed both good and great, and equally honourable to the giver and the receiver: advice which contributed not a little to his prosperity in life. It is an essay on the following subjects: (*a*)

1. Matters that concern religion, and the church and churchmen.
2. Matters concerning justice, and the laws, and the professors thereof.
3. Councillors, and the council table, and the great offices and officers of the kingdom.
4. Foreign negociations and embassies.
5. Peace and war, both foreign and civil, and in that the navy and forts, and what belongs to them.
6. Trade at home and abroad.
7. Colonies, or foreign plantations.
8. The court and curiality.

Each of these subjects he explains, with a minuteness scarcely to be conceived, except by the admirers of his works, who well know his extensive and minute survey of every subject to which he directed his attention. (*b*)

(*a*) See vol. vi. p. 400.

(*b*) From the following analysis, some conception of his vigilance may be formed:

1st, General advice as to Suitors.

I. Religion.

1. Protestant religion. 2. Doctrine. 3. Church discipline; its attention. 4. Catholics. 5. Archbishops and Bishops. 6. Deans, Canons, &c. 7. Clergy. 8. Dissenters. 9. Ceremonies. 10. Vicars, Clergy. 11. Preservation of revenue of church. 12. Universities.

II. Justice.

1. The Law of the land. 2. Resistance to arbitrary power. 3. The Judges. 4. Of private application to them. 5. On the circuits. 6. Their duties. 7. Charges to them by the Chancellor. 8. Public and private.

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In the beginning of the year 1613 Sir Thomas Overbury was poisoned in the Tower by one Weston, of which crime he was convicted, received sentence of death, and was exe-

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9. Not to being hurried from term to term. 10. Attendance of sheriffs. 11. Suing to be a judge. 12. Advancing puisne judges. 13. Serjeants at law. 14. King's counsel. 15. Provincial attorneys: of the court of Wards. 16. Of the duchy of Lancaster. 17. Welsh Judge. 18. Limitation of jurisdiction. 19. Ministers of justice. 20, 21. Sheriffs, their election. 22. Lord lieutenants. 23. Justices of the peace. 24. Their nomination. 25. The moderation of justice. 26. Lenity and severity. 27. Court of Parliament. 28. Its institution. 29. Its duties. 30. Legislature. 31. Its judicial power. 32. The House of Commons. 33. The use of parliaments. 34. Ecclesiastical law.

III. Councillors of State and Great Officers of the Kingdom.

1. Different sorts. 2. Privy council. 3, 4. Their election. 5. Their number. 6. Their duties. 7. Impropriety of hasty expression of opinion. 8. Impropriety of hasty decision. 9. The King's presence. 10. Secretary. 11. Not to interfere in private causes. 12. Clerks of council. 13. Great officers. 14. From all professions.

IV. Negociations, Embassies, &c.

1. Queen Elizabeth did vary, according to the nature of the employment, the quality of the persons she employed. 2. An embassy of gratulation or ceremony, some noble person, eminent in place and able in purse. 3. An embassy of weight, concerning affairs of state, choice of some person of known judgment, wisdom, and experience; and not of a young man not weighed in state matters, nor of a mere formal man. 4. Young noblemen or gentlemen, as assistants. 5. Grave men, skilful in the civil laws and languages, conversant in courts. 6. Negociation about merchants' affairs, doctors of the civil law. 7. Lieger ambassadors or agents, vigilant, industrious, and discreet men, and had the language of the place. 8. Their care to give timely intelligence of occurrences. 9. Their charge. 10. Their general instructions in writing, and private instructions. 11. There were sent forth young men of good hopes, to be trained up: this course I shall recommend unto you, to breed up a nursery of public plants.

V. Peace and War. I in my own disposition and profession am wholly for peace.

1. I shall not need to persuade you to the advancing of it, nor the King your master. 2. God is the God of peace. 3. Justice is the best protector of it, and providence for war is the best prevention. 4. Wars

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cuted. In the progress of the trial suspicions having been excited against the Earl and Countess of Somerset, as having been deeply concerned in this barbarous act; their

5. War of invasion. 6. Be always prepared. 7. The navy. 8, 9. Tackling, sails, and cordage. 10. True art of building of ships. 11. Powder and ammunition. 12. With mariners and seamen. 13. Sea captains and commanders, and other officers. 14. Amity and alliance with the Hollanders. 15. Scotland. 16. Civil war. 17. Competition to the crown. 18, 19, 20. A king to have a convenient stock of treasure. 21. Magazine of all sorts. 22. Expert and able commanders. 23. Governing military affairs in times of peace. 24. The faithful, the traitorous, the neutrals.

VI. Trade.

1. The home trade. 2. Improve lands. 3. Planting of orchards. 4. Gardens. 5. Hop-yards. 6. Planting and preserving woods. 7. Draining of drowned lands. 8. Dairies. 9. Land gained from forests and chases; due care that the poor commoners have no injury. 10. The making navigable rivers. 11. The planting of hemp and flax. 12. Linen cloth or cordage. 13. Wools and leather. 14. Costly laces. 15. The breeding of cattle. 16. The minerals of the kingdom. 17. Fishing. 18. Merchandise in foreign parts. 19. Returns in solid commodities. 20. Monopolies. 21. Commission for the managing of these.

VII. Colonies.

1. Choice of the place. 2. Colonies raised by leave of the King, not by command. 3. Fit governor. 4. Dependency upon the crown of England. 5. General, the common law of England; when plantation settled, courts of justice as in England. 6. Assistance of some able and military man. 7. The discipline of the church. 8. One continent. 9. Houses; plant. 10. Woods; minerals. 11. Build vessels and ships. 12. Wicked person nor suffered to go into those countries. 13. No merchant suffered to work upon their necessities. 14. Subordinate council. 15. The King's profit.

VIII. Court and Curiality.

1. The King must be exemplary. 2. But your greatest care must be, that the great men of his court, for you must give me leave to be plain with you, for so is your injunction laid upon me, yourself in the first place, who are first in the eye of all men, give no just cause of scandal, either by light, or vain, or by oppressive carriage. 3. The great officers of the King. 4. Ministerial officers. 5. Leave the ordering of household affairs to the white staffs. 6. Green-cloth. 7. His majesty's own table. 8. Preserve

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injudicious friends, by endeavouring to circulate a report that these suspicions were but an artifice to ruin that nobleman, the King commanded the Attorney General to prosecute in the Star Chamber Mr. Lumsden, a gentleman of good family in Scotland, Sir John Hollis, afterwards Earl of Clare, and Sir John Wentworth, who were convicted and severely punished. The speech of Bacon upon this trial is fortunately preserved. (*a*)

Shortly after this investigation, so many circumstances transpired, all tending to implicate the Earl and Countess of Somerset, and so great an excitement prevailed through the whole country, that the King determined to bring these great offenders to trial; a resolution which he could not have formed without the most painful struggle between his duty to the public and his anxiety to protect his fallen favourite. His sense of duty as the dispenser of justice prevailed. Previous to the trial, which took place May 1616, the same course of private consultation with the judges was pursued, and the King caused it to be privately intimated to Somerset, that it would be his own fault if favour was not extended to him: (*b*) favour which was encouraged by Bacon, in a letter to the King, in which he says, "The great downfall of so great persons carrieth in itself a heavy judgment, and a kind of civil death, although their lives should not be taken. All which may satisfy honour for sparing their lives."

In his speech upon the trial (*c*) Bacon gave a clear and circumstantial account of the whole conspiracy against

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the revenues of crown; empty coffers give an ill sound. 9. Forfeitures. 10. Pastimes and disports, when there is a queen and ladies. 11. But for the King and Prince. 12. Dice and cards.

(*a*) Vol. vi. p. 154.

(*b*) See letter of April 28, 1616, from Bacon to Villiers, vol. vi. p. 223

(*c*) See vol. vi. p. 235.

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Overbury, describing the various practices against his life; but though he fully and fairly executed his duty as Attorney General, it was without malice or harshness, availing himself of an opportunity, of which he never lost sight, to recommend mercy; (*b*) and though the friends of the new favourite were supposed to have been deeply interested in the downfall of Somerset, and accused of secretly working his ruin, Bacon gained great honour in the opinions of all men, by his impartial, and yet merciful treatment of a man (*c*) whom in his prosperity he had shunned and despised.

Early in this year a dispute which occasioned considerable agitation, arose between the Court of Chancery and 1615. Æt. 55.

(*b*) "My lords, this is now the second time within the space of thirteen years reign of our happy sovereign, that this high tribunal-seat of justice, ordained for the trial by peers, hath been opened and erected; and that, with a rare event, supplied and exercised by one and the same person, which is a great honour to you, my Lord Steward.

"In all this meantime the King hath reigned in his white robe, not sprinkled with any drop of blood of any of his nobles of this kingdom. Nay, such have been the depths of his mercy, as even those noblemen's bloods, against whom the proceeding was at Winchester, Cobham and Grey, were attainted and corrupted, but not spilt or taken away; but that they remained rather spectacles of justice in their continual imprisonment, than monuments of justice in the memory of their suffering.

"I am very glad to hear this unfortunate lady doth take this course, to confess fully and freely, and thereby to give glory to God and to justice. It is, as I may term it, the nobleness of an offender to confess: and therefore those meaner persons, upon whom justice passed before, confessed not; she doth. I know your lordships cannot behold her without compassion; many things may move you, her youth, her person, her sex, her noble family; yea, her provocations, if I should enter into the cause itself, and furies about her; but chiefly her penitency and confession. But justice is the work of this day; the mercy-seat was in the inner part of the temple; the throne is public. But since this lady hath by her confession prevented my evidence, and your verdict, and that this day's labour is eased: there resteth, in the legal proceeding, but for me to pray that her confession may be recorded, and judgment thereupon."

(*c*) Biographia Brit. 469, art. *Bacon*.

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the Court of King's Bench, respecting the jurisdiction of the Chancellor after judgment given in courts of law. Upon this dispute, heightened by the warmth and haughtiness of Sir Edward Coke, and the dangerous illness of the Chancellor at the time when Coke promoted the inquiry, the King and Villiers conferred with Bacon, to whom and other eminent members of the profession, the matter was referred, and, upon their report, the King in person pronounced judgment in favour of the Lord Chancellor, with some strong observations upon the conduct of Coke. (*a*)

1616. Æt. 56. Pending this investigation, Villiers it seems communicated to Bacon the King's intention either to admit him a member of the privy council, or upon the death or resignation of the Chancellor, to entrust him with the great seal,

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(*a*) Camden's Annals of King James, June 20, 1616. Sanderson's Hist. of King James, p. 431. Stephens's Introduction to Lord Bacon's Letters, p. 33. See letter from Bacon to the King, dated 21 Feb. 1515-16, for a full account of this dispute, its projects, and termination, it will be found in vol. xii. page 36.

A Letter to Sir George Villiers, touching the difference between the Courts of Chancery and King's Bench.

Sir,—I received this morning from you two letters by the same bearer, the one written before the other, both after his majesty had received my last. In this difference between the two courts of Chancery and King's Bench (for so I had rather take it at this time, than between the persons of my Lord Chancellor and my Lord Chief Justice,) I marvel not, if rumour get way of true relation; for I know fame hath swift wings, especially that which hath black feathers; but within these two days (for sooner I cannot be ready) I will write to his majesty both the narrative truly, and my opinion sincerely, taking much comfort, that I serve such a king, as hath God's property, in discerning truly of men's hearts. I purpose to speak with my Lord Chancellor this day, and so to exhibit that cordial of his majesty's grace, as I hope this other accident will rather rouse and raise his spirits than deject him, or incline him to a relapse; meanwhile, I commend the wit of a mean man that said this other day, well (saith he) next term you shall have an old man come with a besom of wormwood in his

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a trust to which he was certain of the Chancellor's recommendation. (*c*)

Having thus discharged the duties of Solicitor and Attorney General, with much credit to himself and advantage to the community, he early in the year 1615-16, expressed to Villiers his wish to be admitted a member of the privy council, from the hope that he might be of service "in times which did never more require a king's attorney to be well armed, and to wear a gauntlet and not a glove." (*d*) In consequence of this communication, the

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hand, that will sweep away all this. For it is my Lord Chancellor's fashion, especially towards the summer, to carry a posy of wormwood. I write this letter in haste, to return the messenger with it. God keep you, and long and happily may you serve his majesty. Your true and affectionate servant.—Feb. 10, 1615.

Postscript. Sir, I humbly thank you for your inward letter: I have burned it as you commanded, but the flame it hath kindled in me will never be extinguished.

(*c*) See letter to Villiers, 21st Feb. 1615-16, vol. i. p. 1, containing the following statement: "My Lord Chancellor told me yesterday, in plain terms, that if the King would ask his opinion touching the person that he would commend to succeed him, upon death or disability, he would name me for the fittest man. You may advise whether use may not be made of this offer."

(*d*) Another letter to Sir George Villiers, touching a motion to swear him Councillor, Feb. 27, 1615.

Sir,—I humbly pray you not to think me over hasty or much in appetite, if I put you in remembrance of my motion of strengthening me with the oath and trust of a privy councillor; not for mine own strength (for as to that I thank God I am armed within) but for the strength of my service. The times I submit to you who knoweth them best. But sure I am, there were never times which did more require a king's attorney to be well armed, and (as I said once to you) to wear a gauntlet, and not a glove. The arraignments when they proceed; the contention between the Chancery and King's Bench; the great cause of the Rege inconsulto, which is so precious to the King's prerogative; divers other services that concern the King's revenue, and the repair of his estate. Besides, it pleaseth his majesty to accept well of my relations touching his business; which may seem a

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King, on the 3rd of June, gave him the option either to be made privy councillor, or the assurance of succeeding the Chancellor. Bacon, for reasons which he has thus expressed in a letter to Villiers, preferred being sworn privy councillor:

"Sir, the King giveth me a noble choice, and you are the man my heart ever told me you were. Ambition would draw me to the latter part of the choice; but in respect of my hearty wishes that my Lord Chancellor may live long, and the small hopes I have that I shall live long myself, and above all, because I see his majesty's service daily and instantly bleedeth; towards which I persuade myself (vainly perhaps, but yet in mine own thoughts firmly and constantly) that I shall give, when I am of the table, some effectual furtherance (as a poor thread of the labyrinth, which hath no other virtue but an united continuance without interruption or distraction), I do accept of the former to be councillor for the present, and to give over pleading at the bar; let the other matter rest upon my proof and his majesty's pleasure, and the accidents of time. For to speak plainly I would be loath that my Lord Chancellor, to whom I owe most after the King and yourself, should be locked to his successor for any advancement or gracing of me. So I ever remain your true and most devoted and obliged servant.—3rd June, 1616."

He was accordingly sworn of the privy council, and took his seat at the board on the 9th of June; it having been

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kind of interloping (as the merchants call it) for one that is no councillor. But I leave all unto you, thinking myself infinitely bounden unto you for your great favours; the beams whereof I see plainly reflect upon me even from others: so that now I have no greater ambition than this; that as the King sheweth himself to you the best master, so I might be found your best servant. In which wish and vow I shall ever rest, most devoted and affectionate to obey your commands.

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previously agreed, (*a*) that though in general he should cease to plead as an advocate, his permission to give counsel in causes should continue, and that if any urgent and weighty matter should arise, that he might with the King's permission be allowed to plead. Upon this unusual honour he was immediately congratulated by the university of Cambridge. (*b*)

Such were the occupations of this philosopher, who during the three years in which period he was Attorney General, conducted himself with such prudent moderation in so many perplexed and difficult cases, and with such evenness and integrity, that his conduct has never been questioned, nor has malice dared to utter of him the least calumny. (*c*)

He now approached his last act as Attorney General, which was of the same nature as the first, his prosecution of Mr. Markham in the Star Chamber, for sending a challenge to Lord Darcy. (*d*)

On the 3rd of March, 1616-17, Lord Brackley, then Lord Chancellor, being worn out with age and infirmities, resigned the great seal, and escaped, for a short interval, from the troubles of the court of Chancery, over which he had presided for thirteen years, amidst the disputes between this high tribunal and the courts of common law, and the pressure of business which had so increased as to have been beyond the power of any individual to control. (*e*) 1616-17. Æt. 57.

On the 7th of the same month, the seals were delivered by the King to Sir Francis Bacon, with four admonitions:

(*a*) See letter of 5th July, 1616, vol. xii. p. 196.
(*b*) See letter of 5th July, 1616, vol. xii. p. 190.
(*c*) Mallet's Life of Lord Bacon, p. 19, in a note.
(*d*) Hobart's Reports, p. 120.
(*e*) See note D D D at the end.

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First, to contain the jurisdiction of the court within its true and due limits, without swelling or excess. *Secondly*, not to put the great seal to letters patent as a matter of course to follow after precedent warrants. *Thirdly*, to retrench all unnecessary delays, that the subject might find that he did enjoy the same remedy against the fainting of the soul and the consumption of the estate, which was speedy justice. "Bis dat, qui cito dat." *Fourthly*, that justice might pass with as easy charge as might be; and that those same brambles, that grow about justice, of needless charge and expense, and all manner of exactions, might be rooted out so far as might be. (*b*)

Thus was Francis Bacon, then in the fifty-seventh year of his age, created Lord Keeper of the Great Seal of England.

In the joy of recent possession he instantly wrote to his friend and patron, the Earl of Buckingham, with a pen overflowing with the expression of his gratitude.

My dearest Lord,—It is both in cares and kindness, that small ones float up to the tongue, and great ones sink down into the heart in silence. Therefore I could speak little to your lordship to-day, neither had I fit time. But I must profess thus much, that in this day's work you are the truest and perfectest mirror and example of firm and generous friendship that ever was in court. And I shall count every day lost, wherein I shall not either study your welldoing in thought, or do your name honour in speech, or perform you service in deed. Good my Lord, account and accept me your most bounden and devoted friend and servant of all men living, FR. BACON, C. S.

March 7, 1616-17.

(*b*) See note E E E at the end.

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Such is the nature of human delight; such the nature of human foresight!

As he must have known, what he has so beautifully taught, that a man of genius can seldom be permanently influenced by worldly distinction: as he well knew that his own happiness and utility consisted not in action but in contemplation, (*a*) as he had published his opinion that "men in great place are thrice servants; servants of the sovereign or state, servants of fame, and servants of business; so as they have no freedom, neither in their persons, nor in their actions, nor in their times," (*b*) it is probable that he was urged to this and to every other step on the road to aggrandizement, either by the importunities of his family, or by his favourite opinion, that "knowledge is never so dignified and exalted as when contemplation and action are nearly and strongly conjoined together: a conjunction like unto that of the two highest planets, Saturn the planet of rest and contemplation, and Jupiter the planet of civil society and action."

It has been said by some of the ancient magicians, that they could see clearly all which was to befal others, but that of their own future life they could discern nothing. It might be a curious speculation for any admirer of the works of this great man, to collect the oracles he would have delivered to warn any other philosopher of the probable danger and certain infelicity of accepting such an office in such times.

(*a*) See note F F F at the end.

(*b*) "Thou art become (O worst imprisonment)
The dungeon of thyself. Thy soul
Imprisoned, now indeed
In real darkness of the body, dwells
Shut up from outward light."—Samson Agonistes.
Essay on Great Place, vol. i. p. 33.

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To the hope of wealth he would have said, "it diverts and interrupts the prosecution and advancement of knowledge, like unto the golden ball thrown before Atalanta, which, while she goeth aside and stoopeth to take it up, the race is hindered.

"Declinat cursus aurumq. volubile tollit."(*a*)

To the importunities of friends he would have answered by his favourite maxim, "You do not duly estimate the value of pleasures; for if you observe well, you shall find the logical part of some men's minds good, but the mathematical part nothing worth: that is, they can judge well of the mode of attaining the end, but ill of the value of the end itself." (*b*)

He would have warned ambition that "the seeled dove mounts and mounts because he is unable to look about him." (*c*)

To the supposition "that worldly power is the means to do good," he would have said, "A man who spends his life in an impartial search after truth, is a better friend to mankind than any statesman or hero, whose merits are commonly confined within the circle of an age or a nation, and are not unlike seasonable and favouring showers, which, though they be profitable and desirable, yet serve for that season only wherein they fall, and for a latitude of ground which they water; but the benefices of the philosopher, like the influences of the sun and the heavenly bodies, are for time permanent, for place universal: those again are commonly mixed with strife and perturbation;

(*a*) Advancement of Learning, vol. ii. p. 52.

(*b*) Advancement of Learning, vol. ii. p. 286.

(*c*) Essay on Ambition, vol. i. p. 127.

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but these have the true character of divine presence, and come in *aura leni* without noise or agitation."(*d*)

(*d*) "Zeno and Chrysippus did greater things in their studies, than if they had led armies, borne offices, or given laws; which in truth they did, not to one city alone, but to all mankind. Their quiet contributed more to the common benefit than the sweat and labour of other people. That retreat is not worth the while, which does not afford a man greater and nobler works than business. There is no slavish attendance upon great officers; no canvassing for places; no making of parties; no disappointments in my pretension to this charge, to that regiment, or to such or such a title; no buoy of any man's favour or fortune, but a calm enjoyment of the general bounties of providence, in company with a good conscience. A wise man is never so busy, as in the solitary contemplation of God and the works of nature. He withdraws himself to attend the service of future ages." Seneca.

"There were reckoned above human honours, honours heroical and divine; in the distribution whereof antiquity observed this order. Founders of states, lawgivers, extirpers of tyrants, fathers of their country, and other eminent persons in civil merit, were honoured with the title of Worthies only, or Demi-Gods; such as were Theseus, Minos, Romulus, and the like: on the other side, such as were inventors and authors of new arts, and such as endowed man's life with new commodities and accessions, were ever consecrated among the greater and entire gods, which happened to Ceres, Bacchus, Mercury, Apollo, and others, which indeed was done justly, and upon sound judgment. The introduction of noble inventions seems to hold by far the most excellent place among all human actions. And this was the judgment of antiquity, which attributed divine honours to inventors, but conferred only heroical honours upon those who deserved well in civil affairs, such as the founders of empires, legislators, and deliverers of their country. And whoever rightly considers it will find this a judicious custom in former ages, since the benefits of inventors may extend to all mankind, but civil benefits only to particular countries or seats of men; and these civil benefits seldom descend to more than a few ages, whereas inventions are perpetuated through the course of time. Besides, a state is seldom amended, in its civil affairs, without force and perturbation, whilst inventions spread their advantage, without doing injury, or causing disturbance." Advancement of Learning, vol. ii. p. 62.

In his New Atlantis he says, "We have two very long and fair galleries: in one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that

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The flattering illusion of good to result from the union of contemplation and action would have been dissipated by the admonition, that the life and faculties of man are so

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discovered the West Indies; also the inventor of ships; your monk, that was the inventor of ordnance and of gunpowder; the inventor of music; the inventor of letters; the inventor of printing; the inventor of observations of astronomy; the inventor of works in metal; the inventor of glass; the inventor of silk of the worm; the inventor of wine; the inventor of corn and bread; the inventor of sugars; and all these by more certain tradition than you have. Then have we divers inventors of our own, of excellent works, which since you have not seen, it were too long to make descriptions of them; and besides, in the right understanding of those descriptions you might easily err. For, upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These statues are some of brass; some of marble and touchstone; some of cedar and other special woods gilt and adorned; some of iron; some of silver; some of gold."

"For my part, I should think of a man who spent his time in such a painful impartial search after truth a better friend to mankind than the greatest statesman or hero, the advantage of whose labours is confined to a little part of the world and a short space of time, whereas a ray of truth may enlighten the whole world, and extend to future ages."

Minute Philosopher.

"But to speak my mind freely on the subject of consequences, I am not so scrupulous perhaps, in my regard to them, as many of my profession are apt to be: my nature is frank and open, and warmly disposed, not only to seek, but to speak what I take to be true, which disposition has been greatly confirmed by the situation into which Providence has thrown me. For I was never trained to pace in the trammels of the church, nor tempted by the sweets of its preferment to sacrifice the philosophic freedom of a studious to the servile restraints of an ambitious life: and from this very circumstance, as often as I reflect upon it, I feel that comfort in my own breast which no external honours can bestow. I persuade myself that the life and faculties of man, at the best but short and limited, cannot be employed more rationally or laudably than in the search of knowledge; and especially of that sort which relates to our duty and conduces to our happiness. In these inquiries, therefore, wherever I perceive any glimmering of truth before me, I readily pursue, and endeavour to trace it to its source; without any reserve or caution of pushing the discovery too far, or opening too great a glare of it to the public. I look upon the discovery of any thing which is true as a valuable acquisition to society; which can-

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short and limited that this union has always failed, and must be injurious both to the politician and to the philosopher. (*a*) To *the politician*, as, from variety of speculation, he would neither be prompt in action nor consistent in general conduct; (*b*) and as, from meditating upon the universal frame of nature, he would have little disposition to confine his views to the circle where his usefulness might be most beneficial. To *the philosopher*, as powers intended to enlarge the province of knowledge, and enlighten distant ages, would be wasted upon subjects of mere temporary interest, debates in courts of justice, and

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not possibly hurt or obstruct the good effect of any other truth whatsoever; for they all partake of one common essence, and necessarily coincide with each other: and like the drops of rain, which fall separately into the river, mix themselves at once with the stream, and strengthen the general current."
Middleton.

(*a*) "Sed quid ego hæc," says Cicero, "quæ cupio deponere, et toto animo, atq; omni curâ φιλοσοφειν. Sic, inquam, in animo est: vellem ab initio."

"Indeed, my lord, I greatly deceive myself, if in this hard season, I would give a peck of refuse wheat for all that is called fame and honour in the world." Such is the lamentation of Burke.

"If this," says Lord Bacon, "be to be a Chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up."

"In the traditions of astrology, the natures and dispositions of men are not without some colour of truth, distinguished from the predominancies of planets; as that some are by nature made and proportioned for contemplation, others for matters civil, others for war, others for advancement, others for pleasure, others for arts, others for changeable course of life, but none the union of the opposite qualities of extreme contemplation and extreme action." De Aug.

(*b*) "Men of genius are rarely either prompt in action, or consistent in general conduct. Their early habits have been those of contemplative indolence, and the day dreams with which they have been accustomed to amuse their solitude adapt them for splendid speculation and temperate and practicable counsels."—Coleridge. See similar observations in Aiken's Miscellaneous Pieces in Prose, in the Essay against inconsistency in our expectations.

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the mechanism of state business. That Bacon should have been doomed to such occupations, that he, who stood the lofty beacon of science, evermore guiding the exploring scholar in voyages of discovery to improve and bless mankind, should voluntarily have descended to the shifting quicksands of politics, is a theme for wonder and pity. He could have pointed out to another the shoals, the sunken rocks, and the treacherous nature of the current; but he adventured,—and little minds can now point out where he was lost, and where the waters went over his soul."

Much as it is to be lamented that he should have accepted this office, the loss to science seems, in some sort, to have been compensated by his entire devotion to his professional and political duties: duties for which he possessed unrivalled powers.

It has been truly said by the biographer of Bacon's successor, that "the Chancellorship of England is not a chariot for every scholar to get up and ride in. Saving this one, perhaps it would take a long day to find another. Our laws are the wisdom of many ages, consisting of a world of customs, maxims, intricate decisions, which are *responsa prudentum.* Tully could never have boasted, if he had lived amongst us, *Si mihi vehementer occupato stomachum moverint, triduo me jurisconsultum profitebor.* (*a*) He is altogether deceived, that thinks he is fit for the exercise of our judicature, because he is a great rabbi in some academical authors; for this hath little or no copulation with our encyclopedia of arts and sciences. Quintillian might judge right upon the branches of oratory and philosophy, *Omnes disciplinas inter se conjunctionem rerum, et*

(*a*) "If the advocates of Rome angered him, though he were full of business, he would pass for a lawyer in three days."—Orat. pro Mar.

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communionem habere. (*a*) But our law is a plant that grew alone, and is not entwined into the hedge of other professions; yet the small insight that some have into deep matters, cause them to think that it is no insuperable task for an unexpert man, to be the chief arbiter in a court of equity. Bring reason and conscience with you, the good stock of nature, and the thing is done. *Æquitas optimo cuique notissima est,* is a trivial saying, a very good man cannot be ignorant of equity; and who knows not that extreme right is extreme injury? But they that look no further than so, are short-sighted: for there is no strain of wisdom more sublime, than upon all complaints to measure the just distance between law and equity; because in this high place, it is not equity at lust and pleasure that is moved for, but equity according to decrees and precedents foregoing, as the dew-beaters have trod the way for those that come after them." (*b*)

Of Bacon's fitness for this office, some estimate may be formed by a consideration of the four principal qualifications of a Chancellor, as

A Lawyer.
A Judge.
A Statesman.
And the Patron of Preferment.

As a Lawyer he had for a series of years been engaged in professional life. He had been Solicitor and Attorney General; had published upon different parts of the law; had deeply meditated upon the principles of equity, and had availed himself of every opportunity to assist in

(*a*) "Let all partition of knowledge be accepted rather for lines and veines, than for sections and separations."—Adv. of Learning, vol. ii. p. 153, where there are similar and valuable observations.

(*b*) Hackett's Life of Williams.

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improvement of the law, in obedience to his favourite maxim, "that every man is a debtor to his profession, from the which, as men do of course seek countenance and profit, so ought they of duty to endeavour themselves by way of amends to be a help and ornament."(*a*)

As a Judge, he, from his infancy, had seen the different modes in which judicial duties were discharged, had meditated deeply and published his opinions upon the perfection of these duties "to the suitors, to the advocates, to the officers of justice underneath them, and to the sovereign or state above them:"(*b*) and, in his addresses to the judges upon their appointment or promotion, he availed himself of every opportunity to explain them.

As a Statesman, we have seen that he was cradled in politics;(*c*) that his works abound with notices of his political exertions; that his advice to Sir George Villiers is an essay upon all the various duties of a statesman, with respect to religion, justice, the council table, foreign negociations, peace and war, trade, the colonies and the court;(*d*) and of his parliamentary eloquence his friend Ben Jonson says,(*e*) "There happened in my time one

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(*a*) See ante, pp. cxxxviii and clxvi, and notes C C and 3 G.

(*b*) See his Essays on Delay, on Dispatch, and on Judicature. See his addresses to the Judges, vol. vii. p. 241 to 270. See postea, and see his advice to Villiers, vol. vi. p. 41, "But because the life of the laws lies in the due execution and administration of them, let your eye be, in the first place, upon the choice of good judges: these properties they had need to be furnished with; to be learned in their profession, patient in hearing, prudent in governing, powerful in their elocution to persuade and satisfy both the parties and hearers; just in their judgment; and, to sum up all, they must have these three attributes; they must be men of courage, fearing God, and hating covetousness; an ignorant man cannot, a coward dares not be a good judge."

(*c*) Ante, p. 111.

(*d*) See vol. vi. p. 400, ante, p. clxxxi.

(*e*) Ante, p. xxviii. I venture here to repeat the passage.

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noble speaker who was full of gravity in his speaking; his language, where he could spare or pass by a jest, was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered. No member of his speech but consisted of his own graces. His hearers could not cough or look aside from him without loss. He commanded where he spoke, and had his judges angry and pleased at his devotion. No man had their affections more in his power. The fear of every man that heard him was lest he should make an end."

As a Patron, he considered preferment a sacred trust, to preserve and promote high feeling, encourage merit, and counteract the tendency of learning to dispose men to leisure and privateness. (*a*)

In his advice to Villiers, as to the patrimony of the church, he says, "You will be often solicited, and perhaps importuned to prefer scholars to church livings: you may further your friends in that way, 'cæteris paribus;' otherwise remember, I pray, that these are not places merely of favour; the charge of souls lies upon them, the greatest account whereof will be required at their own hands; but they will share deeply in their faults who are the instruments of their preferment." (*b*)

A few weeks after he was appointed Lord Keeper, he thus writes to a clergyman of Trinity College, Cambridge: "After my hearty commendations, I having heard of you,

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(*a*) Advancement of Learning, vol. ii. p. 19.

(*b*) See vol. vi. p. 410. Sir E. Coke said, "As for the many benefices in his own patronage, he freely gave them to the worthy men, being wont to say, in his law language, that he would have church livings pass by livery and seisin, not bargain and sale." Chancellor Wrottesley said, "Two things my servants shall not gain by, my livings and my decrees: the one are God's, the other the King's."

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as a man well deserving, and of able gifts to become profitable in the church; and there being fallen within my gift the rectory of Frome St. Quintin with the chapel of Evershot, in Dorsetshire, which seems to be a thing of good value, eighteen pounds in the king's books, and in a good country, I have thought good to make offer of it to you; the rather for that you are of Trinity college, whereof myself was some time; and my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From your loving friend, Fr. Bacon, C. S."

From Dorset House, 23rd April, 1617.

Upon sending to Buckingham his patent for creating him a viscount, he says, "I recommend unto you principally, that which I think was never done since I was born, and which, because it is not done, hath bred almost a wilderness and solitude in the King's service; which is that you countenance and encourage, and advance able men, in all kinds, degrees, and professions. For in the time of the Cecils, the father and the son, able men were by design and of purpose suppressed; and though of late choice goeth better, both in church and commonwealth, yet money and time-serving, and cunning canvasses and importunity prevaileth too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise, because they are yours."

And in his appointment of judges, it will be seen that he was influenced only by an anxiety to select the greatest ability and integrity, "science and conscience,"(*a*) for these important trusts.

In the exercise of this virtue there was not any merit peculiar to Bacon. It was the common sympathy for

(*a*) Fuller.

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intellect, which, from consciousness of the imbecility and wretchedness attendant upon ignorance, uses power to promote merit and relieve wrongs. It passes by the particular infirmities of those who contribute any thing to the advancement of general learning: judging it fitter that men of abilities should jointly engage against ignorance and barbarism. This had many years before his promotion been stated by Bacon: "Neither can this point otherwise be; for learning endueth men's minds with a true sense of the frailty of their persons, the casualty of their fortunes, and the dignity of their soul and vocation: so that it is impossible for them to esteem that any greatness of their own fortune can be a true or worthy end of their being and ordainment; whereas the corrupter sort of mere politicians, that have not their thoughts established by learning in the love and apprehension of duty, nor ever look abroad into universality, do refer all things to themselves, and thrust themselves into the centre of the world, as if all lines should meet in them and their fortunes; never caring, in all tempests, what becomes of the ship of state, so they may save themselves in the cockboat of their own fortune." (*b*)

(*b*) "Napoleon happened to see a captain or lieutenant-colonel of engineers, who was modestly assisting in the fortifications of the place, and with whom he entered into a discussion of certain points connected with the business in which he was engaged. Shortly after, the officer unexpectedly received a letter, informing him that he was appointed aid-de-camp to the Emperor, and directing him to repair to the Tuileries, to enter upon his duties. The poor officer was filled with astonishment; he thought he was dreaming, or that the letter had been misdirected. He was so extremely diffident, and possessed so little knowledge of the world, that this announcement of his promotion threw him into great perplexity. He recollected having once seen me at Antwerp, and he begged I would render him my assistance. Accordingly, on his arrival in Paris, he came and assured me of his total ignorance of court manners, and the embarrassment he felt in presenting himself to the Emperor.

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This truth, necessarily attendant upon all knowledge, is not excluded from judicial knowledge. It has influenced all intelligent judges: Sir Thomas More; the Chancellor de l'Hôpital; Lord Somers, to whom he has been compared; d'Aguesseau; Sir Edward Coke, and Sir Matthew Hale. Bacon's favourite maxim therefore was, "Detur digniori: qui beneficium digno dat omnes obligat;" and in his prayer, (*a*) worthy of a Chancellor, he daily said, "This vine which my right hand hath planted in this nation I have ever prayed unto thee that it might stretch her branches to the seas and to the floods."

Whatever were Sir Francis's gratifications, attendant upon the dignity of this promotion, in direct pecuniary profit he sustained great loss: as he relinquished his office of Attorney General, worth at least £6000. a year, his Chancellorship to the Prince, and his post of Registrar of the Star Chamber, worth about £1600. a year, (*b*) whilst the direct profits of the great seal were only £918. 15*s*. (*c*) Of the amount of the indirect profits from fees and presents it is, of course, impossible to form a correct estimate. It must, however, have been considerable, as, according to

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However, I soon succeeded in encouraging him; and before he reached the gate of the palace, he had mustered a tolerable degree of confidence. This officer was General Bernard, whose great talents were brought into notice by this circumstance, and who, at the time of our disasters, proceeded to America, where he was placed at the head of the military works of the United States."—Las Cases, iv. 62.

"A man who by a partial, prejudiced, or corrupt vote, disappoints a worthy candidate of a station in life, upon which his hopes, possibly, or livelihood, depended, and who thereby grievously discourages merit and emulation in others, commits, I am persuaded, a much greater crime, than if he filched a book out of a library, or picked a pocket of a handkerchief."

Paley.

(*a*) Vol. vii. p. 1.

(*b*) Biog. Brit. p. 392.

(*c*) See note E E E at the end.

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the oriental customs of the times, statesmen were then seldom approached by a suitor without some acceptable offering.

The new year's gifts, regularly presented to the King, were of immense value, and were given by the great officers of state, peers and peeresses, the bishops, knights, and their ladies, gentlemen and gentlewomen, and even from the tradesmen, and all the officers of the household. These presents were chiefly in money, but sometimes varied by the taste of the donors. As a matter of curiosity, it may be noticed, that Sir Francis Bacon gave to the Queen "one pettycoat of white sattin, embrodered all over like feathers and billets, with three broad borders, fair embrodered with snakes and fruitage, 'emblems of wisdom and bounty;' exhibiting, even at that day, a fancy delighting in splendour and allegory;" (*a*) and so general was the practice, that when Bacon applied to the Queen to be appointed Solicitor General, his application was accompanied by the present of a jewel. (*b*)

This custom of making presents to persons in power was not confined to the reigning monarch, but extended to statesmen. They were made, as of course, to Lord Salisbury, to Lord Burleigh, and to all persons in office, and made by the most virtuous members of the community. (*c*) The same custom extended to the Chan-

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(*a*) See note Z Z Z Z at the end.

(*b*) See ante, p. xxxii, and note R R at the end.

(*c*) In April, 1595, the Bishop of Durham thus wrote to Lord Burleigh: "Right Honourable, Your L. having alwaies been an especial patron to the see of Duresme, wherein it hath now pleased God and her majesty to place me, thoughe unworthie; and myself reaping the fruite of your L. and extraordinarie furtherance in obtayning the same, I could not without great note of ingratitude (the monster of nature) but yelde your L. some signification of a thankful minde. And seeking by all good means, but contrary to myne expectation, not finding any office or other particular

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cellor, (a) and to the Judges. In the time of Henry the Sixth the practice existed. (a) In the time of Sir Thomas

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presentlie voyde, either fitt for me to offer your lordship, or sure for your L. to receive at my hande, I have presumed in lieu thereof to present your good lordship with an hundred pounds in golde, which this bringer will deliver to your L. It is no recompense any waie proportionable, I confesse, to your lordship's great goodnesse towards me, but onely a sclender token of my dutie most bounden to your L. and a pledge of my service alwaies to be at your L. commandment afore and above any man alive, which I beseech your lordship to accept in such part as is simply and faithfully meant. And so desyring the continuance and encrease of your L. honorable opinion and favour, of the which I shall endeavour, by God's grace, your L. shall never repent yourselfe. I most humblie betake your good L. to the blessed tuition of the Almighty. Your Lordship's most humble and bounden, TOBIAS DUNELM."

A mode of address, which about the same period, was adopted by the Duke of Wirtemberg: " Monsieur, Je ne doubte que vous ne soyez aduertij de ce que j'ay par cij deuant, comme mesmes auec ceste commodite, escrit et demande humblement a La Serenissime Royne d'Angleterre et de me laisser passer environ 1000 pieces de trap hors le renommé royaulme d'Icelle, librement et sans aulcun peage, et pource que je scay, que vous pourrez beaucoup en cest affaire. Je vous prye bien fort, vous ij employer. Affin que je puisse aúoir vne bonne et brefue respounce, telle comme je le desire et demande, dont mon commis le present porteur a charge, vous je present de ma part vne chaine d'or pov. vos peines. Laquelle accepterez: s'il vous plaist de bon cueur. En tous lieux la on j'auray moyen de recognoistre cela en vre endroict j'en suis content de vous grattiffier a vre contentement, de telle volunte, comme apres mes affectionnees récommendatione. Prye Dieu vous avoir, Monsieur, en sa sainte digne garde. De Stuctgart ce 12me de Decembre, 1594. Vre bien affectionné, FRIDERICH."

See note Z Z at the end, where various instances will be found.

(a) Receiving presents was a practice neither uncommon among his predecessors in that court, nor, I believe, imputed to them for unrighteousness. This will appear plainly by the curious anecdote that follows; which I myself copied from the original manuscript, in the possession of Henry Wise, Esq. of Hampton Court.

" Declarant etiam executores predicti quod ipsi ad speciale rogatum prœdicti domini Henrici fili docti Domini nuper comitis, quod erat eis ad preceptum, dederunt Domino Cancellario Angliæ, 1 shaving bacyn argenti, quæ erat predicti domini patris sui, viz. Ad excitandum dictum Dominum

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More, when the custom seems to have been waning, presents were, without any offence, offered to that righteous man; (*b*) and it is mentioned by the biographer of Sir

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Cancellarium fore benevolum et benefacientem materiis dicti Domini Henrici in curiis Domini regis pendentibus pretium VIII£.

" Declarant etiam executores predicti quod ipsi dederant Domini Archi. Cantuariæ Cancellario Angliæ, J. saultauri ad similitudinem Cervi jacentis facti, quod erat dicti domini nuper comitis, appretiatum ad £40. 16*s*. 8*d*. ad intentionem ut ipse Dom. Archi. et Canc. suum bonum Dominum et auxilium dictis executoribus favorabiliter ostenderet et faceret in certis materiis que versus eosdem executores ad grave prejudicium et impedimentum debite executionis testamenti et ultime voluntatis dicti Domini nuper comitis subtiliter movebantur; ad valentiam sicut predicitur."

This paper is called, Declaracio Thomæ Huggeford, Nicoli Rody et Willi. Berkswel presbyter. These were executors and feoffees of Richard Beauchamp, Earl of Warwick, and this declaration was made in the 21st year of Henry the Sixth, to account for certain plate, jewels, and so forth, which had come into their hands as his executors.—Copied by me from some work, which I cannot, at present, find. B. M.

(*b*) His integrity in his office was sufficiently proved by the reduced state of his circumstances when he resigned the seals; but there are two or three anecdotes which will serve to illustrate this part of his character.

After his fall, the Earl of Wiltshire, the father of Anne Boleyne, preferred a complaint against him to the council, for having taken a bribe from one Vaughan. Sir Thomas confessed that he had received the cup from the hands of Vaughan's wife, but immediately ordering the butler to fill it with wine, he drank to her, and when she had pledged him, says he, "as freely as your husband hath given this cup to me, even so freely give I the same to you again, to give your husband for his new year's gift."

At another time one Gresham having a cause depending in Chancery, sent Sir Thomas a fair gilt cup, the fashion of which pleased him so well, that he caused one of his own, of more value to be delivered to the messenger for his master, nor would he receive it on any other condition.

Being presented by a lady with a pair of gloves, and forty pounds in angels in them, he said to her, " Mistress, since it were against good manners to refuse your new year's gift, I am content to take your gloves, but as for the lining, I utterly refuse it."

The following anecdote of More is given by Lord Bacon in his Essays: A person who had a suit in Chancery sent him two silver flagons, not doubting of the agreeableness of the present. On receiving them, More called one of his servants, and told him to fill those two vessels with the

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Augustine Nicholls, one of the judges in the time of James the First, as an instance of his virtue, that "he had exemplary integrity, even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him, that he might be secured from all appearance of corruption." (*a*)

This custom, which, more or less, seems to have prevailed at all times in nations approaching civilization, was about the year 1560 partially abolished in France by the exertions of l'Hôpital, which abolition is thus stated by Mr. Butler, in his life of the Chancellor:

"Another reformation in the administration of justice, which l'Hôpital wished to effect, was the abolition of the épices, or presents made, on some occasions, by the parties in a cause, to the judges by whom it was tried.

"A passage in Homer, (*b*) where he describes a compartment in the shield of Achilles, in which two talents of gold were placed between two judges, as the reward of the best speaker, is generally cited to prove, that even in the earliest times, the judges were paid for their administration of justice. (*c*)

"Plutarch mentions, that under the administration of Pericles, the Athenian magistrates were first authorized to require a remuneration from the suitors of their courts.

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best wine in his cellar; and turning round to the servant who had presented them, "Tell your master," replied the inflexible magistrate, "that if he approves my wine, I beg he would not spare it."

(*a*) Lloyd.

(*b*) See the passage in note Z Z at the end.

(*c*) Mr. Butler adds: "But an attentive reader will probably agree with Mr. Mitford in his construction of the passage, that the two talents were not the reward of the judge who should give the best opinion, but the subject of the dispute, and were to be adjudged to him who established his title to them by the best arguments."

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In ancient Rome, the magistrates were wholly paid by the public; but Justinian allowed some magistrates of an inferior description to receive presents, which he limited to a certain amount, from the suitors before them.

"Montesquieu (*b*) observes, that 'in the early ages of the feudal law, when legal proceedings were short and simple, the lord defrayed the whole expense of the administration of justice in his court. In proportion as society became refined, a more complex administration of justice became necessary; and it was considered that not only the party who was cast, should, on account of his having instituted a bad cause, but that the successful party should, on account of the benefit which he had derived from the proceedings of the court, contribute, in some degree, to the expenses attending them; and that the public, on account of the general benefit which it derived from the administration of justice, should make up the deficiency.'

"To secure to the judges the proportion which the suitors were to contribute towards the expense of justice, it was provided, by an ordonnance of St. Louis, that at the commencement of a suit, each party should deposit in court the amount of one tenth part of the property in dispute: that the tenth deposited by the unsuccessful party should be paid over to the judges on their passing sentence; and that the tenth of the successful party should then be returned to him. This was varied by subsequent ordonnances. Insensibly it became a custom for the successful party to wait on the judges, after sentence was passed, and, as an acknowledgment of their attention to the cause, to present them with a box of sweetmeats, which was then called *épices*, or spices. By

(*b*) Esprit des Loix, L. xxviii. ch. 35.

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degrees, this custom became a legal perquisite of the judges; and it was converted into a present of money, and required by the judges before the cause came to hearing: *Non deliberetur donec solventur species*, say some of the ancient registers of the parliaments of France. That practice was afterwards abolished; the amount of the épices was regulated; and, in many cases, the taking of them was absolutely forbidden. Speaking generally, they were not payable till final judgment; and if the matter were not heard in court, but referred to a judge for him to hear, and report to the court upon it, he was entitled to a proportion only of the épices, and the other judges were entitled to no part of them. Those among the magistrates who were most punctual and diligent in their attendance in court, and the discharge of their duty, had most causes referred to them, and were therefore richest in épices; but the superior amount of them, however it might prove their superior exertions, added little to their fortune, as it did not often exceed £50. and never £100. a year. The judges had some other perquisites, and also some remuneration from government; but the whole of the perquisites and remuneration of any judge, except those of the presidents, amounted to little more than the épices. The presidents of the parliament had a higher remuneration; but the price which they paid for their offices was proportionably higher, and the whole amount received by any judge for his épices, perquisites, and other remunerations, fell short of the interest of the money which he paid for the charge; so that it is generally true, that the French judges administered justice not only without salary, but even with some pecuniary loss. Their real remuneration was the rank and consideration which their office gave them in society, and the respect and regard of their fellow citizens. How well does this illustrate Montesquieu's aphorism,

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that the principle of the French monarchy was honour! It may be truly said, that the world has not produced a more learned, enlightened, or honourable order in society, than the French magistracy.

"Englishmen are much scandalized, when they are informed that the French judges were personally solicited by the suitors in court, their families and protectors, and by any other person whom the suitors thought likely to influence the decision of the cause in their favour. But it all amounted to nothing:—to all these solicitations the judges listened with equal external reverence and internal indifference; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room: it was a corvée on their time which they most bitterly lamented."

Bacon had scarcely been an hour appointed Lord Keeper when these presents of gold and of furniture, and of other costly articles, were showered upon him by various persons, and amongst others, by the suitors of the court. (*a*)

Immediately after his appointment as Lord Keeper, he waited upon the late Lord Chancellor, to acquit himself of the debt of personal gratitude (*b*) which he owed to that

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(*a*) This appears from the answers to the charges which, at the time when "greatness was the mark, and accusation the game," were made against Bacon.

The second article of the charge was: "In the same cause he received from Edward Egerton 400*l*." To which he answers: "I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the 400*l*. mentioned in the said charge was delivered unto me in a purse, and, as I now call to mind, from Mr. Edward Egerton, but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come."

(*b*) Baconiana, p. 248.—In 14 Jac. he was constituted Lord Keeper of the Great Seal (7 Martii), being then fifty-four years of age. It is said in a libel (in which are many other notorious slanders), "that the Duke of

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worthy person, and to acquaint him with his master's gracious intentions, to confer upon him the title of an earl, with a pension for life; an honour which, as he died on the

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Buckingham, to vex the very soul of the Lord Chancellor Egerton, in his last agony, did send Sir Francis Bacon to him for the seals; and likewise that the dying Chancellor did hate that Bacon should be his successor, and that his spirit not brooking this usage, he sent the seals by his servant to the King, and shortly after yielded his soul to his Maker." In which few words there are two palpable untruths. For first, the King himself sent for the seal, not the Duke of Buckingham; and he sent for it, not by Sir Francis Bacon, but by Secretary Winwood, with this message, that himself would be his under-keeper, and not dispose of the place of Chancellor while he lived; nor did any receive the seal out of the King's sight till the Lord Egerton died, which soon fell out. Next, the Lord Chancellor Egerton was willing that Master Attorney Bacon should be his successor, and ready to forward his succession; so far was he from conceiving hatred against him, either upon that or any other account. The Lord Egerton was his friend in the Queen's time; and I find Mr. Bacon making his acknowledgments in a letter to him, in these words, which I once transcribed from the unpublished original: "For my placing, your lordship best knoweth, that when I was most dejected with her majesty's strange dealing towards me, it pleased you of your singular favour so far to comfort and encourage me, as to hold me worthy to be excited to think of succeeding your lordship in your second place; signifying, in your plainness, that no man should better content yourself. Which your exceeding favour you have not since carried from; both in pleading the like signification into the hands of some of my best friends, and also in an honourable and answerable commendation of me to her majesty. Wherein I hope your lordship (if it please you call to mind) did find me neither overweening, in presuming too much upon it, nor much deceived in my opinion of the event for the continuing of it still in yourself, nor sleepy in doing some good offices to the same purpose." This favour of the Lord Egerton's, which began so early, continued to the last. And thus much Sir Francis Bacon testified in a letter to Sir George Villiers, of which this is a part: "My Lord Chancellor told me yesterday, in plain terms, that if the King would ask his opinion touching the person that he would commend to succeed him, upon death or disability, he would name me for the fittest man. You may advise whether use may not be made of this offer." And the like appears by what Master Attorney wrote to King James during the sickness of my Lord Chancellor. Amongst other things, he wrote this to the King: "It pleased my Lord Chancellor, out of his ancient and great love to me,

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15th of the month, before the completion of the arrangements, was transferred to his son, who was created Earl of Bridgewater by the first patent to which the new Lord Keeper affixed the seal. (*a*)

On the 14th of March the King quitted England, to visit his native country; and Sir Francis had scarcely been a week raised to the office of Lord Keeper, when he was placed at the head of the council, and entrusted with the management of all public affairs. Scotland.

The King was accompanied by Buckingham, who, in his double capacity of Prime Minister and Master of the Revels, assisted with equal readiness at the discussions which were to direct the nation, and the pastimes contrived to amuse the King. Graceful in all exercises and a fine dancer, Buckingham brought that diversion into great request, while his associates willingly lent themselves to the devices which his better taste disdained; for James is said to have loved such representations and disguises as were witty and sudden, the more ridiculous the more pleasant. (*b*)

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which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which, during these three days, he hath scarcely done to any."

(*a*) See Life of Egerton, Biog. Brit. See Camden's Annals.

(*b*) "Our King dedicated this summer to the northern climate; it is now fourteen years revolution, since the beams of majesty appeared in Scotland. He begins his journey with the spring, warming the country as he went, with the glories of the court: taking such recreations by the way, as might best beguile the days, and cut them shorter, but lengthen the nights (contrary to the seasons). For what with hawking, hunting, and horse-racing, the days quickly ran away; and the nights with feasting, masking, and dancing, were the more extended. And the King had fit instruments for these sports about his person, as Sir George Goring, Sir Edward Zouch, Sir John Finnit, and others, that could fit and obtemperate the King's humour; for he loved such representations and disguises in their maskaradoes as were witty and sudden, the more ridiculous the more pleasant.

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The policy of the favourite seems to be clear. He had endeavoured to prevent the King's visit; and, in surrounding his royal master with these buffooneries, he well knew that he should disgust the better part of the Scottish nobility, and keep aloof all those grave and wise counsellors, who could not recognize, under the disguise of a masquer, the learned pupil of Buchanan, and the ruler of two kingdoms.

"And his new favourite, being an excellent dancer, brought that pastime into the greater request. To speak of his advancement by degrees were to lessen the King's love; for titles were heaped upon him, they came rather like showers than drops; for as soon as Somerset declined, he mounted. Such is the court motion! Knighthood and gentleman of the bedchamber were the first sprinklings: and the then old Earl of Worcester (who had been long master of the horse to the late Queen, and continued it to this time) was made Lord Privy Seal, in exchange of his place, and a good sum of money put into the scale; and Sir George Villers (Baron of Whaddon, Viscount Villers, and Earl of Buckingham, also of the privy council) is made Master of the Horse. In this glory he visits Scotland with the King, and is made a privy counsellor there. Favourites are not complete figures, if the prince's bounty be not circular, as well in his northerly motion as his southerly. He now reigns sole monarch in the King's affection: every thing he doth is admired for the doer's sake. No man dances better, no man runs, or jumps better; and indeed he jumped higher than ever Englishman did in so short a time, from a private gentleman to a dukedom. But the King is not well without him, his company is his solace, and the court grandees cannot be well but by him, so that all addresses are made to him, either for place or office in court or commonwealth. The bishops' sees did also ebb and flow, from the wane or fulness of his influence upon them; and having a numerous kindred of the rank of gentry, which he planted about him, as a nursery in the court, to make them *virescere*, and spring up the better, the dew of these offices, and the fresh springs that came from those seas must be contributed. It cannot with modesty be expressed how greedily some of our prelates would clear all the passages of a bad conscience, to bring in such waters of comfort, lest it should bespatter the more worthy, and brand them all with simony, which dares not be done. But where God hath his church, the devil many times will have his chapel: it was ever his ambition to be like unto him."—Wilson.

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Through the whole of this progress a constant communication was maintained between Buckingham and the Lord Keeper. (*a*)

On the 7th of May, being the first day of term, the Lord Keeper went in great state to Westminster, in the following order: Seat in Chancery.

1. Clerks and inferior officers in Chancery.
2. Students in law.
3. Gentlemen servants to the Keeper, serjeants at arms, and the seal-bearer, all on foot.
4. Himself, on horseback, in a gown of purple satin, between the Treasurer and the Keeper of the Privy Seal.
5. Earls, Barons, and Privy Councillors.
6. Noblemen of all ranks.
7. Judges, to whom the next place to the privy councillors was assigned.

In this pomp he entered the hall. (*b*) How different from the mode in which his successor took his seat! (*c*)

(*a*) Newark, 6th April, vol. xii. p. 315; Auckland, 18th April, vol. xii. p. 316; Newcastle, 23rd April, vol. xii. p. 317; Edinburgh, 3rd June, vol. xii. p. 316.

(*b*) G. Camdeni Regni Jacobi I. Annaluem Apparatus, Anno 1617, Maii 7.—Primo die termini Franciscus Baconus Custos Sigilli solenni Pompâ processit ad Practorium West-monasteriense hoc ordine. 1. Scribae et inferiores officiarii in Cancellariâ. 2. Studiosi juris. 3. Famuli generosi Custodis servientes ad arma et sigillifer pedibus. 4. Ipse in equo togâ ex purpurâ sattin inter Thesaurarium et Custodem Privati Sigilli. 5. Comites, barones, consiliarii privati. 6. Nobiles se interposuerunt. 7. Judices quibus locus assignatus erat proximus consiliariis privatis.

(*c*) The following is the account by Bishop Hacket, of Archbishop Williams, Lord Bacon's successor, taking his seat: "Upon the first day of term, when he was to take his place in court, he declined the attendance of his great friends, who offered, as the manner was, to bring him to his first sitting with the pomp of an inauguration. But he set out early in the

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Upon the Lord Keeper's entrance, he in the presence of so many honourable witnesses,(a) addressed the bar, stating the nature of the charge which had been given to him by the King, when he was entrusted with the great seal, and the modes by which, under the protection of God, it was his intention to obey what he was pleased to call his majesty's righteous commandments.

His address.

Jurisdiction.

With respect to the *excess of jurisdiction*, or tumour of the court, which was the first admonition, the Lord Keeper dilated upon all the causes of excess, and concluded with an assurance of his temperate use of authority, and his conviction that the health of a court as well as of a body consisted in temperance.

Patents.

With respect to the cautious *sealing of patents*, which was the second admonition, the Lord Keeper having stated six principal cases in which this caution was peculiarly requisite, and to which he declared that his attention should be directed, thus concluded: "And your lordships

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morning with the company of the judges and some few more, and passing through the cloisters into the abbey, he carried them with him into the chapel of Henry the Seventh, when he prayed on his knees (silently, but very devoutly, as might be seen by his gesture,) almost a quarter of an hour: then, rising up cheerfully, he was conducted, with no other train, to a mighty confluence that expected him in the hall, whom, from the court of Chancery, he greeted with this speech," &c.—See note BBBB at the end.

In Walton's Life of Herbert, he says, "Herbert was presented by Dr. Davenant, Bishop of Salisbury, to the living of Bemerton in his thirty-sixth year. When at his induction, he was shut into Bemerton church, being left there alone to toll the bell (as the law requires him) he staid so much longer than an ordinary time, before he returned to those friends that staid expecting him at the church door, that his friend Mr. Woodnot looked in at the church window, and saw him lie prostrate on the ground before the altar; at which time and place (as he after told Mr. Woodnot) he set some rules to himself for the future manage of his life, and then and there made a vow to labour to keep them."

(a) Ante, p. cxc. For the speech, see vol. vii. p. 241.

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see in this matter of the seal, and his majesty's royal commandment concerning the same, I mean to walk in the light, so that men may know where to find me; and this publishing thereof plainly, I hope will save the King from a great deal of abuse, and me from a great deal of envy; when men shall see that no particular turn or end leads me, but a general rule.

With respect to *speedy justice*, which was the third admonition, and upon which, in his essays on "Delay and Dispatch,"(*a*) it appears that he had maturely deliberated, he explained the nature of true and affected dispatch; and, having divided delays, into the delays of the judge and of the suitor, he said, "For myself, I am resolved that my decree shall come speedily, if not instantly after the hearing, and my signed decree speedily upon my decree pronounced. For fresh justice is the sweetest; and to the end that there be no delay of justice, nor any other means-making or labouring, but the labouring of the counsel at the bar. Delay

"Again, because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven; and if it be shorter, it is never a whit the worse, I shall, by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fourth night of the vacation to the term, for the expediting and clearing of the causes of the court; only the depth of the three long vacations I would reserve in some measure free from business of estate and for studies, arts, and sciences, to which in my own nature I am most inclined.

"There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn

(*a*) Vol. i. pp. 73 and 83.

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utterly to delay at length: for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in Chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another; and, like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey."

And as to the delays of the suitor, he thus concluded: "By the grace of God, I will make injunctions but a hard pillow to sleepers; for if I find that he prosecutes not with effect, he may, perhaps, when he is awake, find not only his injunction dissolved, but his cause dismissed."

Expense. With respect to the last admonition, that justice should not be obstructed by unnecessary *expense*, he expressed his determination to diminish all expense, saying in substance what he had said in his essay on Judicature: (*a*) "The place of justice is an hallowed place, and therefore not only the bench, but the foot-pace, and precincts and purprise thereof ought to be preserved without scandal and corruption; for, certainly 'grapes (as the scripture saith) will not be gathered of thorns or thistles;' neither can justice yield her fruit with sweetness amongst the briars and brambles of catching and polling clerks and ministers; which justifies the common resemblance of the

(*a*) Vol. i. p. 179.

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courts of justice to the bush, whereunto, while the sheep flies for defence in weather, he is sure to lose part of his fleece."

He concludes his address with some observations upon projected improvements in the practice of the court, and his intention to frame ordinances for its better regulation. "My lords," he added, "I have no more to say, but now I will go on to business."

Upon his retirement from the court he communicated to Buckingham, then at Edinburgh, an account of the day's proceedings, in a letter, saying, "Yesterday I took my place in Chancery, which I hold only from the King's grace and favour, and your constant friendship. There was much ado, and a great deal of world. But this matter of pomp, which is heaven to some men, is hell to me, or purgatory at least. It is true I was glad to see that the King's choice was so generally approved, and that I had so much interest in men's good wills and good opinions, because it maketh me the fitter instrument to do my master service, and my friend also.

"After I was set in Chancery, I published his majesty's charge, which he gave me when he gave me the seal, and what rules and resolutions I had taken for the fulfilling his commandments. I send your lordship a copy of that I said. (*a*) Men tell me, it hath done the King a great deal of honour; insomuch that some of my friends that are wise men and no vain ones, did not stick to say to me, that there was not these seven years such a preparation for a parliament; which was a commendation, I confess, pleased me well. I pray take some fit time to shew it his majesty, because, if I misunderstood him in any thing, I

(*a*) Stephens, p. 202. See vol. xii. p. 244; and, for the speech, vol. vii. p. 241.

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may amend it, because I know his judgment is higher and deeper than mine."

The approbation of the King was immediately communicated by Buckingham. (*a*)

Spanish match.

Before the King's departure for Scotland he had appointed commissioners for managing the treaty of marriage between the Prince his son, and the Infanta of Spain. The Lord Keeper, who had too much wisdom not to perceive the misfortunes which would result from this union, prudently and honestly advised the King not to proceed with the treaty, (*b*) stating the difficulties which had already occurred from a disunited council; but the King fell into the snare which the politic Gondomar had prepared for him, and persisted to negociate an alliance, in opposition to his own interests, the advice of his ablest councillors, and the universal voice of his people. A more unequal game could not be played, than between the childish cunning of this blundering, obstinate, good-humoured king, and the diplomacy of the smooth, intellectual, determined Gondomar, graceful, supple, and fatal as a serpent.

Bacon, who was fully aware of the envy which pursued his advancement, was careful to transmit an exact account of his proceedings, and, in dispatches which appeared only to contain a narrative of passing events, conveyed to the King and his favourite many sound maxims of state policy. His royal master, who was not insensible of his services, greatly commended him, and Buckingham expressed his own admiration of the wisdom and prudence of his counsels.

This sunshine was, however, soon after clouded by a circumstance, which is worth noting only as it shows

(*a*) Vol. xiii. p. 10.

(*b*) Letter of 19th April, 1617, vol. xii. p. 243.

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the temper of the times, and the miserable subjection in which the favourite held all persons, however eminent in talent or station. Sir Edward Coke, who had been disgraced the year before, unable to bear retirement, aggravated as it was, by the success of his rival, applied, during the King's absence, to Secretary Winwood, submissively desiring to be restored to favour; and he, who, in support of the law, had resisted the King to his face, and had rejected with scorn the proposal of an alliance with the family of Buckingham, now offered "to do any thing that was required of him," and to promote, upon their own terms, the marriage of his daughter with Sir John Villiers. Winwood, who, for party purposes, was supposed to enter officiously into this business, readily undertook the negociation. It was not attended with much difficulty: the young lady, beautiful and opulent, was instantly accepted.

Marriage of Villiers.

Bacon, for many cogent reasons, which he fairly expressed both to the King (*a*) and to Buckingham, strongly opposed this match, displeasing to the political friends of Buckingham, and fraught with bitterness from the opposition of Lady Hatton, the young lady's mother, upon whom her fortune mainly depended. Bacon's dislike to Coke, and the possible consequences to himself from this alliance, were supposed by Buckingham to have influenced this unwise interference; which he resented, first by a cold silence, and afterwards by several haughty and bitter letters: and, so effectually excited the King's displeasure, that, on his return, he sharply reprimanded in the privy council those persons who had interfered in this business. Buckingham, who could shew his power, as well in allaying as in raising a storm, was soon ashamed of the King's violence, and seeing the ridicule

(*a*) See the letters, vol. xii. p. 324-7.

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that must arise from his inflating a family quarrel into a national grievance, interceded "on his knees"(*a*) for Bacon. A reconciliation, of course, took place, but not without disgrace to all the parties concerned; exhibiting on the one part unbecoming violence, and on the other the most abject servility. The marriage, which had occasioned so much strife, was solemnized at the close of the month of September; and Sir Edward Coke was recalled to the council table, where, after the death of Winwood, he did not long keep his seat.

Finance. This storm having subsided, the Lord Keeper turned his attention to the subject of finance, and endeavoured to bring the government expenses, now called the Civil list, within the compass of the ordinary revenue; a measure more necessary, since there had never been any disposition in parliament to be as liberal to James as to his illustrious predecessor.

The difficulties which the council met in the projected retrenchments from the officers of state whose interests were affected, confirmed the remark of Cardinal Richlieu, "that the reformation of a king's household is a thing more fit to be done than successfully attempted." This did not discourage the Lord Keeper, who went manfully to the work, and wrote freely to Buckingham and to the King himself, upon the necessity both of striking at the root, and lopping off the branches; of considering whether Ireland,(*b*) instead of being a burthen to England, ought not, in a great measure, to support itself; and of diminishing household expenses, and abridging pensions and gratuities.(*c*)

(*a*) See letter, vol. xii. p. 342. (*b*) See vol. xii. p. 267.

(*c*) To the King.

May it please your Majesty,—Being yesterday assembled in council to proceed in the course we had begun for retrenchment of your majesty's

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Notwithstanding these efforts to retrench all unnecessary expenditure in the household, the pecuniary distresses of the King were so great, that expedients, from which he ought to have been protected by the Commons, were adopted, and the grant of patents and infliction of fines was made a profitable source of revenue: although Bacon had, upon the death of Salisbury, earnestly prayed the King "not to descend to any means, or degree of means,

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expenses, we thought it appurtenant to our duties to inform your majesty how far we have proceeded in the several heads of retrenchments by your majesty at your departure committed unto us, that when you know in what estate our labours are, your judgment may the better direct any further course, as shall be meet.

The matter of the household was by us, some days since, committed peremptorily to the officers of the house, as matter of commandment from your majesty, and of duty in them, to reduce the expense of your house to a limited charge of fifty thousand pounds by the year, besides the benefit of the compositions; and they have ever since painfully, as we are informed, travailed in it, and will be ready on Sunday next, which was the day given them, to present some models of retrenchments of divers kinds, all aiming at your majesty's service.

In the point of pensions we have made a beginning, by suspending some wholly for a time, and of others of a third part; in which course we are still going on, until we make it fit to be presented to your majesty; in like manner, the Lord Chamberlain and the Lord Hay did yesterday report unto us what their travail had ordered in the wardrobe; and although some doubt did arise unto us, whether your majesty's letters intended a stay of our labours, until you had made choice of the sub-committee intended by you, yet, presuming that such a course by sub-committee was purposed rather for a furtherance than let to that work, we did resolve to go on still, till your majesty's further directions shall come unto us; and then, according to our duty, we will proceed as we shall be by your majesty commanded; in the mean time, we thought it our duty to inform your majesty of what we have done, that neither your majesty may conceive that we have been negligent in those things which were committed unto us, nor your directions by your late letters hinder or cast back that which is already so far proceeded in. And so humbly kissing your royal hands, and praying to the Almighty for your long and happy reign over us, we rest, &c.

Dec. 5, 1617.—See vol. xiii. p. 12.

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which cometh not of a symmetry with his majesty and greatness. (*a*)

While these exactions disclosed to the people the King's poverty, they could daily observe his profuse expenditure and lavish bounty to his favourite; recourse, therefore, was had to Buckingham by all suitors; but neither the distresses of the King, nor the power of the favourite deterred the Lord Keeper from staying grants and patents, when his public duty demanded this interposition: an interference which, if Buckingham really resented, he concealed his displeasure; as, so far from expressing himself with his usual haughtiness, he thanked his friend, telling him that he "desired nothing should pass the seal except what was just or convenient." (*b*)

Lord Chancellor, and Verulam.

On the 4th of January, 1618, the Lord Keeper was created Lord High Chancellor of England, and in July Baron of Verulam, to which, as stated in the preamble to the patent of nobility, witnessed by the Prince of Wales, Duke of Lenox, and many of the first nobility, the King was "moved by the grateful sense he had of the many faithful services rendered him by this worthy person." In the beginning of the same year the Earl of Buckingham was raised to the degree of Marquis.

Dulwich.

In August, 1618, the Lord Keeper, with a due sense of the laudable intentions of the founder, stayed a patent for the foundation of Dulwich College, from the conviction that education was the best charity, and would be best

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(*a*) See ante, p. clviii, note.

(*b*) "My honourable Lord,—I have received your lordship's letters, wherein I see the continuance of your love and respect to me, in any thing I write to you of, for which I give your lordship many thanks, desiring nothing for any man but what you shall find just and convenient to pass.

"Your Lordship's faithful servant, G. Buckingham."

Vol. xiii. p. 13.

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promoted by the foundation of lectures in the university. This his favourite opinion, which he, when Solicitor General, had expressed in his tract upon Sutton's Hospital, (*a*) and renewed in his will, (*b*) was immediately communicated to Buckingham, (*c*) to whom he suggested that part of the founder's bounty ought to be appropriated to the advancement of learning.

Firm, however, as Bacon was with respect to patents, his wishes, as a politician, to relieve the distresses of the King, seem to have had some tendency to influence his mind as a judge. In one of his letters he expresses his anxiety to accelerate the prosecution, saying, "it might, if wind and weather permit, come to hearing in the term;" and in another he says, "the evidence went well, and I will not say I sometimes helped it as far as was fit for a judge." (*d*)

(*a*) Ante, p. cliii. (*b*) Ante, p. xiii.

(*c*) See note XOY at the end. See vol. xii. p. 259.

(*d*) The following are the letters, which must speak for themselves:

To the Marquis of Buckingham.

My very good Lord,—These things which I write now and heretofore in this cause, I do not write so as any can take knowledge that I write, but I dispatch things *ex officio* here, and yet think it fit inwardly to advertise the King what doth occur. And I do assure your lordship, that if I did serve any king whom I did not think far away wiser than myself, I would not write in the midst of business, but go on of myself.

This morning, notwithstanding my speech yesterday with the duke, he delivered this letter inclosed, and I having cleared the room of all save the court and learned counsel (whom I required to stay), the letter was read a little before our hour of sitting. When it was read, Mr. Attorney began to move that my lord should not acknowledge his offences as he conceived he had committed them, but as they were charged; and some of the lords speaking to that point, I thought fit to interrupt and divert that kind of question; and said, before we considered of the extent of my lord's submission we were first to consider of the extent of our own duty and power; for that I conceived it was neither fit for us to stay proceeding, nor to move his majesty in that which was before us in course of justice; unto

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So true is it, as Bacon himself had taught, that a judge ought to be of a retired nature, and unconnected with

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which (being once propounded by me) all the lords and the rest *una voce* assented. I would not so much as ask the question whether, though we proceeded, I should send the letter to his majesty, because I would not straiten his majesty in any thing.

The evidence went well (I will not say I sometimes helped it as far as was fit for a judge), and at the arising of the court I moved the lords openly, whether they would not continue this cause from day to day till it were ended, which they thought not fit in regard of the general justice, which would be delayed in all courts: yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday, and Friday, and to sit by eight of the clock, and so to dispatch it before the King come, if we can. God preserve and prosper you. I ever rest your Lordship's most obliged friend and faithful servant, FR. VERULAM, Canc.

This 22nd of October, Friday,
at 4 of the clock, 1619.

To the Marquis of Buckingham.

My very good Lord,—I think fit to let your lordship understand what passed yesterday in the Star-chamber touching Suffolk's business.

There came to me the clerk of the court in the inner chamber, and told me that my Lord of Suffolk desired to be heard by his council at the * sitting of the court, because it was pen * * * him.

I marvelled I heard not of it by Mr. Attorney, who should have let me know as much, that I might not be taken on the sudden in a cause of that weight. I called presently Mr. Attorney to me, and asked him whether he knew of the motion, and what it was, and how he was provided to answer it. He signified to me, that my lord would desire to have the commission for examinations in Ireland to be returnable in Michaelmas term. I said it might not be, and presently drew the council then present to me, and made Mr. Attorney repeat to them the passages past, and settled it, that the commission should be returnable the first day of the next term, and then republication granted, that it might, if accidents of wind and weather permit, come to hearing in the term. And upon motion in open court it was ordered accordingly.

God ever preserve and prosper you. I pray God this great easterly wind agree well with his majesty. Your Lordship's most obliged friend and faithful servant, FR. VERULAM, Canc.

May 6, 1619.

See also letter, October 14, 1619, vol. xiii. p. 19.

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politics. So certain is the injury to the administration of justice, from the attempt to blend the irreconcileable characters of judge and politician; the judge unbending as the oak, the politician pliant as the osier: (*a*) the judge firm and constant, the same to all men; the politician, ever varying,

"Orpheus in sylvis, inter delphinas Arion:"

It was, about this time, discovered that several Dutch merchants of great opulence had exported gold and silver to the amount of some millions. (*b*) There are various letters extant upon this subject, exhibiting the King's pecuniary distresses, his rash facility in making promises, and the discontent felt by the people at his improvidence, and partiality for his own countrymen.

(*a*) See Advancement of Learning, vol. ii. p. 33, for instances of this sort of compliance.

(*b*) "My very good Lord,—The discovery I think very happy: for if it be true, it will be a great benefit to his majesty; it will also content his people much, and it will demonstrate also that Scotland is not the leech (as some discoursers say) but the Netherlanders that suck the realm of treasure: so that the thing is very good. But two things I must represent to his majesty: the first, that if I stay merchants from their trading by this writ, I must do it either *ex officio*, or by special warrant from his majesty. If *ex officio*, then I must have more than a bare surmise to grant the writ upon, so as I must be acquainted with the grounds, or at least appearance of proofs. If by special warrant, then I desire to receive the same. The other is, that I humbly beseech his majesty that these royal boughs of forfeiture may not be vintaged, or cropped by private suitors (considering his majesty's state as it is), but that Sir Thomas Vavasor or Sir John Britten may have a bountiful and gracious reward of their discovery, but not the prime, or without stint. In sum, I would wish his majesty to refer the whole business and carriage of the same for his honour and profit to the commissioners of treasure, or because it is a legal forfeiture to myself, Mr. Chancellor, Sir Edward Coke, and my Lord Chief Justice of England, and by us his majesty shall be

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Though evidently rejoicing at this windfall for his royal master, (*a*) Bacon, regardless of the importunities of the Attorney General, refused to issue writs of *ne exeat* against the merchants till he had obtained evidence to warrant his interposition, and cautioned his majesty against granting the forfeitures accruing from this discovery. (*b*) He entreated that a commission might be formed, empowering Sir E. Coke, the Chancellor of the Exchequer, the Lord Chief Justice, and himself, to investigate this matter. These observations were well received, and immediately adopted by the King; and, although informations were filed against a hundred and eighty, only twenty of the principal merchants were tried and convicted. They were fined to the amount of £100,000, which, by the intercession of Buckingham, was afterwards remitted to about £30,000. (*c*) The rest of the prosecutions were stayed at his instance, intercession having been made to him by letters from the States General, and probably by the merchants themselves in the way in which he was usually approached by applicants.

While this cause was pending, the Earl of Suffolk, Lord Treasurer, was prosecuted, with his lady, in the Star Chamber, for trafficking with the public money to the amount of £50,000; and they were sentenced to imprisonment and fine, not, according to the judgment of Sir Edward Coke, of £100,000, but of £30,000. Bacon commended Coke to the King, as having done his part

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assured to know the best course for his justice, honour, and profit, and that he may dispose what bounty he will.

See also vol. xii. pp. 263, 265, 374.

(*a*) See letter of October 14, 1619, vol. xiii. p. 19.

(*b*) See note (*a*), ante, p. ccxxiv.

(*c*) Stephens, p. xlvii.

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excellently,(*a*) but pursued his own constant course, activity in detecting the offence, and moderation in punishing the offender. After a short confinement they were released at the intercession of Buckingham, and the fine reduced to £7000.

The motives by which Buckingham was influenced in this and similar remissions may possibly be collected from his conduct in the advancement of Lord Chief Justice Montagu, who, for a sum of £20,000, was appointed to the Treasurership, vacated by the removal of Lord Suffolk, and was created a peer; for which offence this dispenser of the King's favours was, in the reign of Charles the First, impeached by the Commons, but he, after the death of Bacon and of the King, solemnly denied the accusation, by protesting "that the sum was a voluntary loan to the King by the Lord Treasurer after his promotion, and not an advance to obtain the appointment."(*b*)

(*a*) See letter of 13th November, 1619, vol. xii. p. 77.

(*b*) Let the letters upon this transaction, of which the originals are in the Tanners MSS. in Oxford, speak for themselves: they have not hitherto been printed.

"My good Lord,—If rumour carry me into error, yet I beseech you lett secresy cover my error, non living knowes what I write, nor I hope shall, yf that I write shall not please you. What ground it hath I know not, nor whence the opinion ryseth, but bothe in court and abroade it is strongly conceyted, talked, and told me, as yf the King hadde purpose to make me L. Treasorer. Your lordship best knowes the King's purposes. Yf my service should be thought of use to make him a ritche king, as in all things els he is a happy king, I would be content to sacrifice my lyfe, my labour, and all my fortunes to do him that office. And for my obligation to you I would leave the earnest of ten thousand pounds, to bestow where and when you shall appoint.

"This proceedes not of baseness to buy that which otherwise I were not worthy of, nor of pryde to be made better then I am, but sincerely to shew how mutch I zeale my master's good; and God assistinge, I would not feare to effect what it seemes the world thinks I could and might performe. My second ends ar to shew how mutch and how truly I am yours, and would be while I live.

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Such were the occupations to which this philosopher was doomed; occupations which, even as Chancellor, he

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"Yf all this be but the vapour of sum men's fancys yt will quickly spend itself, yf it be a thing worth your thought I am at your dispose.

"To-morrow morninge I am commanded to attend the King about matters of his revenue. In the mean time and so always I shall rest

"Your Lordship's obliged servant, H. MOUNTAGU.

"3. Jan. 1618.

"To the right honorable and my most honored lord, the Marquess of Buckingham, these."

Tanners MSS. Oxford, 74, f. 233.

"My honored Lord,—I have ever observed that those whoe with ingenuity and industry have acquired a fortune sildome part with it, but upon stricte conditions. Yet soe happy doth my Lord Cheefe Justice thinke himself in the promised assurance of your love, and such is his confidence of the King's favor, having your lordship to frend, as that it drawes him to cast his fortunes at his majestie's feete, and to bee disposed of by your lordship, being confident that you will waye and measure him by that which may stand well with his estate: if his majestie will require of him twenty thousand ould peeces he yeelds to it, and desires not to be pressed further. Of this wound he hopes he may in time, with your favor recover, therfore is well content to languish of this disease a while, in obedience (as he himselfe cals it) to his royall master his will.

"He is willing to pay this sum hee offers by ten thousand peeces at a time, the first payment to be made presently, and the laste when his majestie takes his jurnye, contenting himselfe with the honor of a Viscount untill the King shall thinke fit to confer more honor upon him.

"The terme ends on Tuesday come sevennight. The Treasorer is to be sworne in the Chancery and in the Exchequer courts; therfore it will be requisite if your lordship make good your promise for his having the place before Christmas, that my Lord Cheefe Justice be sent for presently to come to the King. For the office requires no other ceremony but delyvery of the staffe by the King's hand; and direction would be sent for drawing his patent of honor, and that other concerning his office, and the resolution and direction would be expedited. If this satisfy not his majestie, his resolution to cast himselfe at his majestie's feete, and bee directed by your lordship, wil give the King and your lordship advantage to dispose of him; ffor I find him more inclining to his Majestie's pleasure then his owne ends.

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regretted, saying, most truly, "I know these things do not pertain to me; for my part is to acquit the King's office

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"Thus hoping I have given your lordship a good account of what you gave me in charge, I kiss your hands, and rest

"Your Lordship's servant, and affectionate brother, ED. VILLIERS.

"November the 17th, 1620.

"To the Right Honorable my very good lord and brother, the Marquess of Buckingham, these."

Tanners MSS. No. 290, f. 31.

"Sir Edward,—I have written a short letter to my lorde, for that I holde necessary for me to do. And I have named twenty thousand poundes to him. Wherfore I praye yow putt out the worde peeces in your letter, and put it downe poundes, for I am resolved not to exceede it. The payment shall be at my lord's appointment; but for divers reasons, I thought both before and senc that I spake with you, I had rather com of ffaire then com higher then twenty thousand poundes, though it may be thought little, the greater som consider'd.

"For the Kinge's speedy sendinge for me before the tearme end, I have senc thought of yt, and findinge it not to be of necessity duringe the tearme, and that conveniently I canot go downe, and some tearme businesses require dispatch at my handes, therfor I think best that be lefte out of the letter, and mention only to be made of givinge order for the two patents I spake of, yf the Kinge be pleased with it. Thus with my true love remembred, I rest your assured, H. MOUNTAGU.

"I have sent you my letter unsealed, that you may see yt, and then seale it upp."

This letter is without direction, but on the back is written in Sir Edward Villiers' hand:

"This note I received from my Lord Cheefe Justice since I wrote my letter according to his owne direction."

Tanners MSS. No. 114, f. 186.

"My most honored Lord,—Such is the value of that worde where you please to say you joyne handes with me in the point of contract, that it overswaies in me all other thoughts that otherwise have reflection uppon me. This respect and those perswasions of Sir Ed. Villiers have made me yealding to twenty thousand poundes: my estate, God be thanked, is worth that and twenty thousand more, yet hadd I rather yealde yt all then to refuse the King in any thinge he pleaseth to demaund, or think me fitt for,

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towards God, in the maintenance of the prerogative, and

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and senc your nobleness hath pleased to price my true, sincere, and constant affection at such a rate as I perceive you have done, holde me the unworthiest that ever was yf I bee ever wantinge, false, or fainte, in that I have professed. It overjoyes me to finde that the merrit and memory of my brother Winchester still lives with your lordship, but not to troble you with many wordes or more professions,

"I rest assuredly at your honor's command, H. MOUNTAGU.

"18 Nov. 1620.

"To the right honorable my singular good Lord, the Lord Marques Buckingham, Lord High Admirall of England."

On the 3rd of Dec. 1620, Lord Chief Justice Montagu was appointed Lord Treasurer.* In June, 1626, after the death of Bacon and of King James, Buckingham was impeached by the Commons upon many charges, of which the tenth was, "Whereas no places of judicature in the courts of justice of our sovereign lord the King, nor other like preferments given by the kings of this realm ought to be procured by any subjects whatsoever for any reward, bribe, or gifts; he the said duke in or about the month of December, in the eighteenth year of the reign of the late King James of famous memory, did procure of the said king the office of High Treasurer of England to the Lord Viscount M. now Earl of M.; which office, at his procurement, was given and granted accordingly to the Lord Viscount M. And as a reward for the said procurement of the said grant, he the said duke did then receive to his own use of and from the said Lord Viscount M. the sum of £20,000 of lawful money of England."—Rushworth, i. 334. See Cobbett's Parliamentary History, i. 115.

To this charge the duke answered, "That he received not, or had a penny of either of those sums to his own use; but the truth is, the Lord M. was made Lord Treasurer by his late majesty without contracting for any thing for it; and after that he had the office conferred upon him, his late majesty moved him to lend him twenty thousand pounds, upon promise of repayment at the end of a year; the Lord M. yielded it, so as he might have the duke's word that it should be repaid to him accordingly. The duke gave his word for it, the Lord M. relied upon it, and delivered the said sum to the hands of Mr. Porter, then attending upon the duke, by the late king's appointment, to be disposed of as his majesty should direct. And according to the King's direction, that very money was fully

* Dugdale's Baronage, ii. 280.

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to oblige the hearts of the people to him by the administration of justice." (a)

From these political expedients he turned to his more interesting judicial duties. How strenuously he exerted himself in the discharge of them may be seen in his honest exultation to Buckingham, and may be easily conceived by those who know how indefatigable genius is in

Judicial exertions

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paid out to others, and the duke neither had nor disposed of a penny thereof to his own use, as is suggested against him. And afterwards, when the Lord M. left that place, and his money was not repaid unto him, he urged the duke upon his promise; whereupon the duke being jealous of his honour, and to keep his word, not having money to repay him, he assured lands of his own to the Lord M. for his security. But when the duke was in Spain, the Lord M. obtained a promise from his late majesty of some lands in fee farm, to such a value as he accepted of the same in satisfaction of the said money, which were afterward passed unto him; and at the duke's return the Lord M. delivered back unto him the security of the duke's lands, which had been given unto him as aforesaid."

Rushworth, i. 387. See Cobbett.

(a) See his letter to the Earl of Buckingham, of November 19, 1617, vol. xii. p. 252. "My very good Lord,—The liking which his majesty hath of our proceeding, concerning his household, telleth me that his majesty cannot but dislike the declining and tergiversation of the inferior officers, which by this time he understandeth. There be but four kinds of retrenchments: 1. The union of tables. 2. The putting down of tables. 3. The abatement of dishes to tables. 4. The cutting off new diets and allowance lately raised: and yet perhaps such as are more necessary than some of the old. In my opinion the first is the best and most feasible. The Lord Chamberlain's table is the principal table of state. The Lord Steward's table I think is much frequented by Scottish gentlemen. Your lordship's table hath a great attendance; and the groom of the stole's table is much resorted to by the bedchamber. These would not be touched; but for the rest (his majesty's case considered) I think they may well be united into one. These things are out of my element, but my care runneth where the King's state most laboureth: Sir Lionel Cranfield is yet sick, for which I am very sorry; for methinks his majesty upon these tossings over of his business from one to others hath an apt occasion to go on with subcommittees. God ever preserve and prosper you. Your Lordship's true friend and devoted servant."

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any business in which it is interested: (*a*) how ardent and strenuous it is in encountering and subduing all difficulties to which it is opposed. (*a*)

In a letter to Buckingham of the 8th of June, 1617, he says, (*b*) "This day I have made even with the business of the kingdom for common justice; not one cause unheard; the lawyers drawn dry of all the motions they were to make; not one petition unanswered. And this, I think, could not be said in our age before. This I speak, not out of ostentation, but out of gladness, when I have done my duty. I know men think I cannot continue if I should thus oppress myself with business: but that account is made. The duties of life are more than life; and if I die now, I shall die before the world be weary of me, which in our times is somewhat rare." And in two other letters he, from the same cause, expresses the same joy. (*c*)

These exertions did not secure him from the interference of Buckingham, or protect him, as they have never protected any judge, from misrepresentation and calumny; but, unmoved by friendship or by slander, he went right onward in his course. He acted as he taught, from the

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(*a*) See vol. ii. p. 21, Advancement of Learning.

(*b*) See vol. xii. p. 348.

(*c*) In a letter of Dec. 6, 1617, vol. xii. p. 339, he says, "Your lordship may marvel, that together with the letter from the board, which you see passed so well, there came no particular letter from myself; wherein, though it be true, that now this very evening I have made even with the causes of Chancery, and comparing with the causes heard by my lord, that dead is, of Michaelmas term was twelvemonth, I find them to be double so many and one more; besides that the causes that I dispatch do seldom turn upon me again, as his many times did."—And in a letter of May 17, 1619, vol. xiii. p. 17, he says, "I send now to know how his majesty doth after his remove, and to give you account that yesterday was a day of motions in the Chancery. This day was a day of motions in the Star Chamber, and it was my hap to clear the bar, that no man was left to move any thing, which my lords were pleased to note they never saw before."

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conviction that "a popular judge is a deformed thing: and plaudits are fitter for players than magistrates. Do good to the people, love them, and give them justice, but let it be 'nihil inde expectantes:' looking for nothing, neither praise nor profit." (*a*)

Buckingham's interference.

Notwithstanding Bacon's warning to Buckingham, that he ought not, as a statesman, to interfere, either by word or letter, in any cause depending, or like to be depending in any court of justice, (*b*) the temptations to Buckingham were, it seems, too powerful to induce him to attend to this admonition, in resistance of a custom so long established and so deeply seated, that the applications were, as a matter of course, made to statesmen and to judges, by the most respectable members of the community, and by the two universities. (*c*)

Early in March Sir Francis was appointed Lord Keeper, and, on the 4th of April, Buckingham thus wrote: "My honourable Lord,—Whereas the late Lord Chancellor thought it fit to dismiss out of the Chancery a cause touching Henry Skipwith to the common law, where he desireth it should be decided; these are to intreat your lordship in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place where now it is, that without more vexation unto him in posting him from one to another, he may have a final hearing and determination thereof. And so I rest your Lordship's ever at command, G. BUCKINGHAM.

"My Lord, this is a business wherein I spake to my Lord Chancellor, whereupon he dismissed the suit." (*d*)

(*a*) Speech to the Judges before the circuit, vol. vii. p. 258.

(*b*) See ante, p. clxxvi.

(*c*) See note Z Z at the end.

(*d*) This is the first of many letters which the Marquis of Buckingham

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Scarcely a week passed without a repetition of these solicitations. (*a*)

Wraynham.

When Sir Francis was first entrusted with the great seal, he found a cause entitled Fisher *v.* Wraynham, which had been in the court from the year 1606. He immediately examined the proceedings, and, having ordered the attendance of the parties, and heard the arguments of counsel, he terminated this tedious suit, by decreeing against the defendant Wraynham, who was a man described as holding a smooth pen and a fine speech, but a fiery spirit. He immediately published a libel against the Chancellor and the late Master of the Rolls: for which he was prosecuted in the Star Chamber. (*b*)

Sir Henry Yelverton, in stating the case, said, "I was of counsel with Mr. Wraynham, and pressed his cause as far as equity would suffer. But this gentleman being of an unquiet spirit, after a secret murmuring, breaks out into a complaint to his majesty, and, not staying his return out of Scotland, but fancying to himself, as if he saw some cloud arising over my lord, compiled his undigested thoughts into a libel, and fastens it on the King. And his most princely majesty, finding it stuffed with most bitter reviling speeches against so great and worthy a judge,

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wrote to Lord Bacon in favour of persons who had cases depending in, or likely to come into the court of Chancery. The marquis made the same kind of applications to Lord Bacon's successor, the Lord Keeper Williams, in whose life by Bishop Hacket, part i. p. 107, we are informed, that "there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the Lord Keeper's patron."—See note Z Z at the end. See this letter, vol. xii. p. 314.

(*a*) See a collection of some of these letters in note Z Z at the end.

(*b*) State Trials. See a tract, published 1725, entitled, Vindication of the Chancellor from the aspersions of Wraynham. See Hobart's Reports, p. 220, and Popham, p. 135.

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hath of himself commanded me this day to set forth and manifest his fault unto your lordships, that so he might receive deserved punishment. In this pamphlet Mr. Wraynham saith, he had two decrees in the first Lord Chancellor's time, and yet are both cancelled by this Lord Chancellor in a preposterous manner: without cause; without matter; without any legal proceedings; without precedent, upon the party's bare suggestions, and without calling Mr. Wraynham to answer: to reward Fisher's fraud and perjuries; to palliate his unjust proceedings; and to confound Wraynham's estate: and that my lord was therein led by the rule of his own fancy. But he stayeth not here. Not content to scandalize the living, he vilifies the dead, the Master of the Rolls, a man of great understanding, great pains, great experience, great dexterity, and of great integrity; yet, because he followed not this man's humour in the report thereof, he brands him with aspersions."

And Mr. Serjeant Crowe, who was also counsel for the prosecution, said, "Mr. Wraynham, thus to traduce my lord, is a foul offence; you cannot traduce him of corruption, for thanks be to God, he hath always despised riches, and set honour and justice before his eyes. My lords, I was of counsel with Fisher, and I knew the merits of the cause, for my Lord Chancellor seeing what recompense Fisher ought in justice to have received, and finding a disability in Wraynham to perform it, was enforced to take the land from Wraynham to give it to Fisher, which is hardly of value to satisfy Fisher's true debt and damages."

Wraynham was convicted by the unanimous opinion of the court;(a) and the Archbishop of Canterbury, in

(a) Consisting of Sir Edward Coke, the Chancellor of the Exchequer, the Lord Chancellor Bacon, the Lord Chief Justices of the King's Bench,

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delivering his judgment, said, "The fountain of wisdom, hath set this glorious work of the world in the order and beauty wherein it stands, and hath appointed princes, magistrates, and judges, to hear the causes of the people. It is fitting, therefore, to protect them from the slanders of wicked men, that shall speak evil of magistrates and men in authority, blaspheming them. And therefore, since Wraynham hath blasphemed and spoken evil, and slandered a chief magistrate, it remaineth, that in honour to God, and in duty to the king and kingdom, he should receive severe punishment."(*a*)

Common Pleas, and Exchequer, the Secretary of State, and other statesmen; of the Bishops of Ely and London, and the Archbishop of Canterbury.

(*a*) See in Hooker the following noble passage: "Since the time that God did first proclaim the edicts of his law upon the world, heaven and earth have hearkened unto his voice, and their labour hath been to do his will. He made a law for the rain; he gave his decree unto the sea, that the waters should not pass his commandment. Now, if nature should intermit her course, and leave altogether, though it were for a while, the observation of her own laws: if those principal and mother elements of the world, whereof all things in this lower world are made, should lose the qualities which now they have; if the frame of that heavenly arch erected over our heads should loosen and dissolve itself; if celestial spheres should forget their wonted motions, and by irregular volubility turn themselves any way as it might happen; if the prince of the lights of heaven, which now, as a giant, doth run his unwearied course, should as it were, through a languishing faintness, begin to stand, and to rest himself; if the moon should wander from her beaten way, the times and seasons of the year blend themselves by disordered and confused mixture, the winds breathe out their last gasp, the clouds yield no rain, the earth be defeated of heavenly influence, the fruits of the earth pine away, as children at the withered breasts of their mother, no longer able to yield them relief; what would become of man himself, whom these things do now all serve? See we not plainly, that obedience of creatures unto the law of nature is the stay of the whole world?

"Of law there can be no less acknowledged than that her seat is the bosom of God; her voice the harmony of the world: all things in heaven and earth do her homage; the very least as feeling her care, and the greatest

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According to the custom of the times, a suit of hangings for furniture, worth about £160, was presented to the Lord Chancellor, on behalf of Fisher, by Mr. Shute, who, with Sir Henry Yelverton, was one of his counsel in the cause. (*a*)

This present was not peculiar to the cause of Wraynham and Fisher, but presents on behalf of the respective suitors were publicly made by the counsel in the cause, and were offered by the most virtuous members of the community, without their having, or being supposed to have any influence upon the judgment of the court.

Egerton and Egerton.

In the cause of Rowland Egerton and Edward Egerton £400 was presented before the award was made, on behalf of Edward, by the counsel in the cause, Sir Richard Young and Sir George Hastings, who was also a member of the House of Commons, but the Lord Keeper decided against him: (*b*) and £300 was presented on behalf of Rowland,

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as not exempted from her power. Both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy."

(*a*) This appears in the charge of bribery, afterwards preferred against the Chancellor.—To the eighth article of the charge, "In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received a suit of hangings worth one hundred and threescore pounds and better, which Fisher gave him by advice of Mr. Shute:" I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others, that were no ways suitors, did present me with the like about that time.

(*b*) The second article of the charge, namely, "In the same cause he received from Edward Egerton £400:" I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the £400 mentioned in the said charge, was delivered unto me in a purse, and, as I now call to mind, from Mr. Edward Egerton; but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come.

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after the award was made in his favour by the Chancellor and Lord Hobart; (*a*) and in the cause of Awbrey and Bronker £100 was presented on behalf of Awbrey, before the decree, by his counsel, Sir George Hastings, and a severe decree was made against Awbrey. (*b*)

Awbrey and Bronker.

Grocers and Apothecaries.

In a reference between the company of Grocers and Apothecaries, the Grocers presented £200, and the Apothecaries a taster of gold, and a present of ambergris. (*c*)

(*a*) To the first article of the charge, namely, "In the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received £300 on the part of Sir Rowland Egerton, before he had decreed the cause:" I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognizances reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award with the advice and consent of my Lord Hobart; the award was perfected and published to the parties, which was in February. Then some days after, the £300, mentioned in the charge, was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then in Midsummer term following a suit was begun in Chancery by Sir Rowland to have the award confirmed, and upon that suit was the decree made mentioned in the article.

(*b*) To the sixteenth article of the charge, namely, "In a cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey £100:" I do confess and declare that the sum was given and received, but the manner of it I leave to witnesses.—See in note GGG the proceedings of 17th March, where it appears that "a killing order was made against Awbrey."

(*c*) To the twenty-fourth, twenty-fifth, twenty-sixth articles of the charge, namely, the twenty-fourth, "There being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers £200." The twenty-fifth article, "In the same cause, he received of the Apothecaries, that stood with the Grocers, a taster of gold worth between £400 and £500, and a present of ambergrease." And the twenty-sixth article, "He received of a new company of Apothecaries, that stood against the Grocers, £100:" To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord of composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive

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In the cause of Hody and Hody, which was for a great inheritance, a present of gold buttons, worth about £50, was given by Sir Thomas Perrot, one of the counsel in the cause, (*a*) after the suit was ended. Hody and Hody.

This slander of Wraynham's was not the only evil to which he was exposed.

On the 12th of November, 1616, John Bertram, a suitor in Chancery, being displeased with a report made by Sir John Tindal, one of the masters of the court, shot him dead as he was alighting from his carriage, and, upon his committal to prison, he destroyed himself. An account of this murder was published under the superintendence of Sir Francis, to counteract the erroneous opinions which had been circulated through the country, and the false commiseration which the misery of this wretched offender had excited, (*b*) in times, when the community was alive to hear any slander against the administration of justice. Lord Clifton.

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that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to account to the three several companies.

(*a*) The article of the charge, namely, "In the cause between Hody and Hody, he received a dozen of buttons value £50, about a fortnight after the cause was ended:" I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended, it being a suit for a great inheritance, there was gold buttons about the value of £50, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perrott and the party himself.

(*b*) In a letter to the King, dated 21st November, at ten at night, 1616, vol. xii. p. 311, he says, "For this wretched murderer Bertram, now gone to his place, I have, perceiving your majesty's good liking of what I propounded, taken order that there shall be a declaration concerning the cause in the King's Bench, by occasion of punishment of the offence of his keeper; and another in Chancery, upon the occasion of moving for an order, according to his just and righteous report. And yet withal, I have set on work a good pen* (and myself will overlook it) for making some little pamphlet fit to fly abroad in the country."

* Birch, p. 104, says it was Mr. Trott.

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When the morbid feeling of insane minds is awakened, there is always some chance of a repetition of its out-

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The tract, containing some miserable wood-cuts of the murder, and of the murderer hanging against the wall, is entitled, "A true Relation of a most desperate Murder, committed upon the Body of Sir John Tindall, Knighte, one of the Maisters of the Chancery, who with a pistoll charged with 3 bulletts, was slaine going into his chamber within Lincolnes Inne, the 12 day of November, by one John Bartram, Gent. which Bartram afterwards hanged himselfe in the Kinges-Bench in Southewark, on Sunday, being the 17th day following, 1616."—It contains the following passage: "Two several daies (with two or three keepers at least waiting on him,) was he sent for by the judges to be examined. At the first going, he was called to the barre, and an inditement read to him for the murther aforesaid, to which he pleaded not guilty. At his passing along the streets, his presence so full of age, and his face so full of sorrowes, together with the rumour of his wrongfull undoing, which quickly spread it selfe amongst the people, moved them to such commiseration, that they shed tears to see what misery he was falne into; they prayed for him, and cursed the other. Upon the Saturday, before the Sunday in the which he cast away himselfe, did he thus goe abroad, and returning about foure of the clocke in the evening, with a slowe and dull pace, fitting to his yeeres. He seemed in his chamber rather vexed than dejected. His thoughts appeared and made shew, to be troubled than tormented. And rather because hee did expect within a day or two at the most, to be fetched to his tryall: and the next day after to be sent to execution. Which as some say, hee fearing that it should have beene to hang alive in chaynes, strucke so strong impression unto him, that to avoid that shame, and that torture, he purposed to lay violent hands upon himselfe, if he could meet opportunity."

Annexed to the tract is another tract, entitled, "A true Relation of the Ground, Occasion, and Circumstances, of that horrible Murther committed by John Bartram, Gent. upon the body of Sir John Tyndal, of Lincolns Inne, Knight, one of the Masters of the Honorable Court of Chancery, the twelfth day of this instant Novemb. Written by way of Letter from a Gentleman to his Country friend. Together with the Examination of the said Bartram, taken before the right Honourable Sir Fra. Bacon, Knight, his Maiesties Atturney Generall, and Sir Henry Yelverton, Knight, his Maiesties Solliciter General, according to speciall directions given by his Maiestie in that behalfe. London, printed by John Beale. 1616."—As John Beale printed for Bacon, it is probable that it was under his superintendence.

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rages. (*a*) Towards the end of the year the Lord Keeper was in danger of sharing the fate of Sir John Tindal, from the vindictive temper of Lord Clifton, against whom a decree had been made, who declared publicly that "he was sorry he had not stabbed the Lord Keeper in his chair the moment he pronounced judgment." (*b*) As soon as this misguided suitor, who afterwards destroyed himself, was committed to the Tower, Bacon wrote to Buckingham, saying, "I pray your lordship in humbleness to let his majesty know that I little fear the Lord Clifton, but I much fear the example, that it will animate ruffians and *rodomonti* extremely against the seats of justice, which are his majesty's own seats, yea, and against all authority and greatness, if this pass without public censure and example, it having gone already so far as that the person of a baron hath been committed to the Tower. The punishment it may please his majesty to remit, and I shall, not formally but heartily, intercede for him, but an example, setting myself aside, I wish for terror of persons that may be more dangerous than he, towards the first judge of the kingdom." (*b*)

At the conclusion is a third tract, entitled, "The Examination of John Bartram, taken this 16 day of November, 1616, before Sir Francis Bacon, his Maiesties Atturney Generall, and Sir Henry Yelverton, his Maiesties Solicitor Generall. London, printed by John Beale, 1616."

(*a*) See note X O U at the end.

(*b*) See letter of March 17, 1617, vol. xii. p. 257; and in another letter, vol. xii. p. 255, he says, "If his majesty at any time ask touching the Lord Clifton's business, I pray your lordship represent to his majesty thus much, that whatsoever hath passed I thank God I neither fear him nor hate him; but I am wonderful careful of the seat of justice, that they may still be well munited, being principal sinews of his majesty's authority. Therefore the course will be (as I am advised) that for this heinous misprision (that the party without all colour or shadow of cause should threaten the life of his judge, and of the highest judge in the kingdom next his majesty) he be first examined, and if he confess it, then an *ore tenus*; if he

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Not content with discharging the common duties of a judge, he laboured, whenever an opportunity offered, to improve the administration of justice.

Law Reporters.

He carried into effect the proposal, which, when Attorney General, he had submitted to the King, that two legal reporters, with an annual stipend to each of £100, should be appointed. (*a*)—He realized the intention, which he expressed upon taking his seat, (*b*) by issuing ordinances for the better administration of justice in the Chancery, upon which the practice of the court at this day is founded. (*c*)

Ordinances in Chancery.

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confess it not, then an information in the Star chamber, and he to remain where he is till the hearing. But I do purposely forbear yet to have him examined till the decree or agreement between him and my Lord Aubigny (which is now ready) be perfected, lest it should seem an oppression by the terror of the one to beat him down in the other. Thus I ever rest your Lordship's true friend and devoted servant, Fr. Bacon, Canc."

(*a*) See his proposal for amending the laws, vol. v. p. 349. "It resteth but for your majesty to appoint some grave and sound lawyers, with some honourable stipend."

In Rymer's Fœdera, vol. xvii. p. 27, may be found "Ordinatio quæ constituantur les Reporters de Lege." It is directed to Sir Francis Bacon and to Sir Julius Cæsar. After stating the King's anxiety to preserve the ancient law, and to prevent innovations, it has been thought good to revive and renew the ancient custom, to appoint some grave and learned lawyers as reporters, &c.

In a letter to Buckingham of October 16, 1617, vol. xii. p. 334, he says, "I send also two bills for letters patents to the two reporters; and for the persons, I send also four names, with my commendations of those two, for which I will answer upon my knowledge. The names must be filled in the blanks, and so they are to be returned."

What might be the advantages of these appointments during the reign of James, it may perhaps be unnecessary to inquire. In the present times, when there is a liberty of unlicensed printing, the desire to diffuse knowledge, and the facility to obtain pecuniary emolument, require not the aid of government. Between the years 1800 and 1823, there were no less than a hundred and eight volumes of reports published; and they are now much, very much, increased.

(*b*) See vol. vii. p. 273.

(*c*) For the Ordinances, see vol. vii. p. 256.

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Before the circuits he assembled the judges, and explained his views of their duties, when they, as the planets of the kingdom, were representing their sovereign, in the administration of law and justice; (*a*)—to advance kind feeling and familiar intercourse, he introduced a mode, at that time not usual, of inviting the judges to dinner; thus manifesting, as he says in a letter to Lord Burleigh, that it is ever a part of wisdom not to exclude inferior matters of access amongst the care of great: and, upon the promotion of any judge, he availed himself of the opportunity to explain the nature of judicial virtues, of which an extensive outline may be seen in his works. (*b*)

"The judge is a man of ability, (*c*) drawing his learning out of his books, and not out of his brain; (*d*) rather learned than ingenious; more plausible than witty; more reverend than plausible. (*e*)—He is a man of gravity; (*f*) of a re-

(*a*) Vol. vii. p. 258.

(*b*) Essays on Judicature, Delays, and Dispatch, in vol. i.; his Advice to Villiers, vol. vi. p. 400; and the speech used by Sir Francis Bacon, Lord Keeper of the Great Seal of England, to Sir William Jones, upon his calling to be Lord Chief Justice of Ireland, 1617; the Lord Keeper's speech in the Exchequer to Sir John Denham, when he was called to be one of the barons of the Exchequer; and to Justice Hutton, when called to be one of the judges of the Common Pleas.—Vol. vii. p. 263.

(*c*) The ignorance of the judge is the ruin of the innocent.

(*d*) He should draw his learning out of his books, and not out of his brain; and continue the studying of books, and not spend upon the old stock.—Bacon.

(*e*) Lord Bacon says, judges should be rather reserved than affable. The judges are, or ought to be, of a reserved and retired character, and wholly unconnected with the political world.—Burke.

(*f*) Non est major confusio, quam serii et joci.

See his tract on Church Controversies, vol. vii. p. 32, where he says, "Job speaking of the majesty and gravity of a judge in himself saith, 'If I did smile, they believed it not:' as if he should have said, if I diverted or glanced upon conceit of mirth, yet men's minds were so possessed with a reverence of the action in hand, as they could not receive it."

As for jest, there be certain things which ought to be privileged from it;

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tired nature, and unconnected with politics: (*d*) his virtues are inlaid, not embossed.—He is more advised than confident.—He has a right understanding of justice, depending not so much on reading other men's writings, as upon the goodness of his own natural reason and meditation. (*e*) —He is of sound judgment; not diverted from the truth by the strength of immediate impression.—He is a man of

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namely, religion, matters of state, great persons, any man's present business of importance, and any case that deserveth pity; yet there be some that think their wits have been asleep, except they dart out somewhat that is piquant and to the quick, that is a vein which would be bridled: "Parce puer stimulis, et fortius utere loris."—See Essay of Discourse, vol. i. p. 113.

Hence, therefore, levity in a judge always is, to a certain extent, painful, and particularly to the suitors, to whom the present business is important. "It may be play to you, but it is death to us." Perhaps the right line may be seen in his essay on Adversity: "In embroidery we find it more pleasing to have a lively work on a solemn ground, than a dead work upon a light ground; judge therefore of the pleasures of the heart by the pleasures of the eye.

He avoideth all jesting on men in misery: easily may he put them out of countenance whom he hath power to put out of life.—Fuller.

(*d*) He scarce ever meddled in state intrigues, yet upon a proposition that was set on foot by the Lord Keeper Bridgeman, for a comprehension of the more moderate dissenters, and a limited indulgence towards such as could not be brought with the comprehension, he dispensed with his maxim of avoiding to engage in matters of state.—Hale's Life, p. 68.

He would never be brought to discourse of public matters in private conversation; but in questions of law, when any young lawyer put a case to him he was very communicative, especially while he was at the bar: but when he came to the bench he was very reserved.—Hale's Life.

(*e*) A judge should be a person of good knowledge and ability; well versed and skilled in the laws concerning matters under debate; endued with good measure of reason, enabling him to sift and canvass matters of fact, so as to compare them accurately with the rules of right.—Barrow.

The things that make a good judge, or good interpreter of the laws, are, first, a right understanding of that principal law of nature, called equity; which depending not on the reading of other men's writings, but on the goodness of a man's own natural reason and meditation, is presumed to be in those most that have mos leisure, and had the most inclination to meditate thereon.—Hobbs.

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integrity: (*f*)—of well regulated passions; beyond the influence either of anger, (*g*) by which he may be incapable of judging, or of hope either of money (*h*) or of

(*f*) The enamel which adorneth the dove's nest never shines so clear and glorious as when the sun shines upon it: so the ornaments of power never look so splendid as when they are surrounded by a glory of virtue.

Above all things, integrity is their portion and proper virtue. "Cursed," saith the law, "is he that removeth the landmark." The mislayer of a mere-stone is to blame; but it is the unjust judge that is the capital remover of landmarks, when he defineth amiss of lands and property. One foul sentence doth more hurt than many foul examples; for these do but corrupt the stream, the other corrupteth the fountain: so saith Solomon, "Fons turbatus, et vena corrupta est justus cadens in causa sua coram adversario." He so hates bribes, that he is jealous to receive any kindness above the ordinary proportion of friendship.—Bacon.

It is not ability alone that is sufficient. He must have both science and conscience.—Fuller.

He that pretendeth to judge others should himself be innocent; under no indictment, and not liable to condemnation. Is it not very improper for a criminal, for one who is not only in truth, and in his own conscience guilty, but who standeth actually convicted of heinous offences, to sit upon the bench determining about the deeds and states of others? It is the case of us all, we are all notoriously guilty of heinous crimes before God, we all do lie under the sentence of his law, we do all stand in need of pardon from our judge; his mercy is our only hope and refuge; and shall we then pretend to be judges, or be passing sentence on our brethren? If only those who are free and guiltless should judge, who could undertake it? There would surely be no more than there appeared then, when in the case of the woman taken in adultery our Lord propounded the like condition: He that is without sin amongst you, let him cast the first stone at her: upon which proposition the sequel was, and they that heard it being convicted by their own conscience, went out one by one, beginning at the eldest, even to the last, and Jesus was left alone, and the woman standing in the midst; so infallibly, should no man be allowed to judge who was not himself void of the like guilt, would every man escape censure.

(*g*) Sir M. Hale, in his rules for things necessary to be continually had in remembrance, says, "That in the execution of justice I carefully lay aside my own passions, and not give way to them, however provoked."

(*h*) The next security for the impartial administration of justice, especially in decisions to which government is a party, is the independency of the judges. As protection against every illegal attack upon the rights of the

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worldly advancement, (*h*) by which he may decide un-

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subject by the servants of the crown is to be sought for from these tribunals, the judges of the land become not unfrequently the arbitrators between the king and the people, on which account they ought to be independent of either; or, what is the same thing, equally dependent upon both: that is, if they be appointed by the one, they should be removeable only by the other. This was the policy which dictated that memorable improvement in our constitution, by which the judges, who before the revolution held their offices during the pleasure of the King can now be deprived of them only by an address from both houses of parliament, as the most regular, solemn, and authentic way by which the dissatisfaction of the people can be expressed.—Paley.

To the community this is of importance. 1. To secure his impartiality. 2. Because not seemly for him to be haggling as hucksters, and labouring for his subsistence.

To make this independency of the judges complete, the public salaries of their office ought not only to be certain both in amount and continuance, but so liberal as to secure their integrity from the temptation of secret bribes; which liberality will answer also the further purpose of preserving their jurisdiction from contempt, and their characters from suspicion, as well as of rendering the office worthy of the ambition of men of eminence in their profession.—Paley.

When the present condition of the judges is compared with that when the crown had a power of dismissing them at pleasure, a great step appears to be gained towards the upright administration of justice. Their places and salaries are now secured for life, except upon an address from both houses of parliament, which nothing but flagrant misconduct on their parts can be supposed to produce, and they may pronounce sentence without any fear of the loss of dignity or emolument.

(*h*) Hobbs says a judge should have a contempt of unnecessary riches and preferments. Their fortunes should be above temptation, and their spirits above private influence.

He should be incapable of promotion. Sir William Jones, the late judge in India, in one of his letters to Sir James Macpherson respecting some promotion that appears to have been offered to him, expresses himself in the following terms: "If the whole legislature of Britain were to offer me a different station from that which I now fill, I should gratefully and respectfully decline it. The character of an ambitious judge is, in my opinion, very dangerous to public justice; and if I were sole legislator, it should be enacted that every judge as well as every bishop should remain for life in the place which he first accepted."

Lord Teignmouth's Life of Sir W. Jones.

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justly; or of fear (*i*) either of the censure of others, which

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(*i*) He who will faithfully perform his duty, in a station of great trust and power, must needs incur the utter enmity of many, and the high displeasure of more; he must sometimes struggle with the passions and interests, resist the applications, and even punish the vices of men potent in the commonwealth, who will employ their ill influence towards procuring impunity, or extorting undue favours for themselves or their dependents. He must conquer all these difficulties, and remove all these hindrances out of the way that leads to justice; must dare even to break the jaws of the wicked, and to pluck the spoil out of his teeth. He is the guardian of the public quiet; appointed to restrain violence, to quell seditions and tumults, and to preserve that order and peace which preserves the world.—Atterbury.

That judge is most loved for his good nature who is feared for his resolution.

When early in the reign of Charles the First, Judge Jenkins imprisoned divers persons in his circuit, or condemned them to die, as being guilty of high treason, this provoked the officers of government; and, the judge being taken prisoner at the capture of Hereford, he was hurried up to London, and committed to the Tower. On being brought to the bar of the court of Chancery, he denied the authority of the commissioners, because their seal was counterfeited, in consequence of which he was sent to Newgate. From thence he was brought to the bar of the House of Commons, and reprimanded by the Speaker for refusing to kneel. He answered, "As long as you had the King's arms engraved on your mace, and acted under his authority, had I come here I would have bowed my body in obedience to that authority." For this speech he was, without trial, voted guilty of high treason, and he was sent back to Newgate. After this the house sent a committee to Newgate, making splendid offers to the judge if he would acknowledge their power to be lawful. To which he answered, "Far be it from me to own rebellion to be lawful because it is successful." Upon this they admonished him that he had a wife and nine children. Upon which the old judge said, "Had my wife and children petitioned you in this matter, I would have looked upon her as a whore, and them as bastards." Upon this the committee departed, leaving him in the expectation of being led out to execution. "They may lead me," said he, "if so it please them, but I will suffer with the Bible under one arm and Magna Charta under the other."

Rex v. Knollys, 6 Wm. and M. 1 Ld. Raym. 10.—At the conclusion of this case, it is said, Note, that this judgment was very distasteful to some lords; and therefore in Hilary term, 1697, 9 Wm. III. the Lord Chief Justice Holt was summoned to give his reasons of this judgment to the

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is cowardice, or of giving pain when it ought to be given, which is improper compassion. (*k*)—He is just both

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House of Peers, and a committee was appointed to hear and report them to the house, of which the Earl of Rochester was chairman. But the Chief Justice Holt refused to give them in so extrajudicial a manner; but he said that if the record was removed before the peers by error, so that it came judicially before them, he would give his reasons very willingly; but if he gave them in this case, it would be of very ill consequence to all judges hereafter in all cases. At which answer some lords were so offended, that they would have committed the Chief Justice to the Tower, but, notwithstanding, all their endeavours vanished in smoke.

Colonel Whaley, who commanded the garrison, came into court, and urged "that a man was killed for disobeying the Protector's order, and that the soldier was but doing his duty, yet the judge (Sir M. Hale) regarded both his reasons and his threatening very little, and therefore pronounced sentence upon him.—Hale's Life.

Two of Sir Matthew Hale's rules are: That popular or court applause or distaste have no influence upon any thing I do, in point of distribution of justice. Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rules of justice.

See the account of Judge Gascoyne in Henry V.

(*k*) It is for you, upon reading the information, and by comparing it with the pamphlet, to see whether the sense the Attorney General has affixed is fairly affixed, always being guided by this that where it is truly ambiguous and doubtful, the inclination of your judgment should be on the side of innocence; but if you find you cannot acquit him without distorting sentences, you are to meet this case, and all other cases, as I stated yesterday, with the fortitude of men, feeling that they have a duty upon them superior to all leaning to parties; namely, the administration of justice in the particular cause.—Lord Kenyon, in Stockdale's case.

Gentlemen, let me desire you again and again to consider all the circumstances of this man's case, abstracted from the influence of prejudice and habit; and if ought of passion assumes dominion over you, let it be of that honest, generous nature, that good men must feel when they see an innocent man depending on their verdict for life.

Curran, for Finnerty, p. 222.

One of Sir Matthew Hale's rules is, "That in business capital, though my nature prompt me to pity, yet to consider that there is also a pity due to the country." Another is, "If in criminals it is a measuring cast to incline to mercy and acquittal. In criminals of blood, if the fact be evident, severity is justice."

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in private (*l*) and in public. — He without solicitation accepts the office, with a sense of public duty. (*m*)—He is

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(*l*) After Sir Matthew Hale was made a judge, he would needs pay more for every purchase he made than it was worth; if it had been but a horse he was to buy, he would have outbid the price.—Hale's Life, p. 153.

For such law as man giveth other wight,
He should himself usin the same by right.—Chaucer.

I have somewhere heard that Lord Chancellor Hardwicke, who was extremely fond of money, directed his steward to buy for him an estate which was to be sold in the neighbourhood. The steward returned, and informed his lordship that he was the purchaser of the estate, and had made a good bargain, for that it was worth £8,000 more than the sum which he had given. Lord Hardwicke ordered the fact to be ascertained, and directed the £8,000 to be paid to the person of whom the estate was bought. "The Chancellor of England ought not," he said, "to give less for an estate than it is worth."

(*m*) When an application was made to General Washington to accept the command of the American army, he said, "Though I am truly sensible of the high honour done me in this appointment, yet I feel great distress from a consciousness that my abilities and military experience may not be equal to the extensive and important trust: however, as the Congress desire it, I will enter into the momentous duty, and exert every power I possess in their service, and for support of the glorious cause; and I beg they will accept my most cordial thanks for this distinguished testimony of their approbation. But, lest some unlucky event should happen unfavourable to my reputation, I beg it may be remembered by every gentleman in the room, that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honoured with. As to pay, I beg leave to assure the Congress, that as no pecuniary consideration could have tempted me to accept this arduous employment, at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. These, I doubt not, they will discharge, and that is all I desire."

Barrow, Serm. 20. p. 98. No judge should intrude himself into the office, or assume a judicial power without competent authority; that is, by delegation from superior powers, or by voluntary reference of the parties concerned.

He ought not to buy his place. "Grapes will not be gathered of thorns and thistles. The judge's office ought not to be bought. They that buy justice by wholesale to make themselves savers must sell it by retail.

Fuller.

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patient (*k*) in hearing, in inquiry, and in insult; (*l*) quick in apprehension, slow in anger. His determination to censure is always painful to him, like Cæsar when he threatened Metellus with instant death, 'Adolescens, durius est mihi hoc dicere quàm facere.' (*m*)—He does not affect the reputation of dispatch, (*n*) nor forget that

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If any sue to be made a judge, for my own part I should suspect him: but if, either directly or indirectly, he should bargain for a place of judicature, let him be rejected with shame; *vendere jure potest, emerat ille prius.* See ante, p. clxxvi.

(*k*) It being no grace to a judge, first to find that which he might have heard in due time from the bar; or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions, though pertinent: an overspeaking judge being no well-tuned cymbal.—Bacon.

(*l*) Small streams are agitated by the wind: deep streams move on. Scarcely any part of a judge's conduct demands more judgment than the proper mode of acting when insulted, when the generality of men are off their guard.

If any adverse party crossed him, he would patiently reply, "If another punish me, I will not punish myself."—Lloyd's Life of Sir Edw. Coke.

He is calm amidst every storm. He is the steady rock amidst unruly waves.

(*m*) He behaved himself with that regard to the prisoners which became both the gravity of the judge, and the pity that was due to men whose lives lay at stake, so that nothing of jeering or unreasonable severity ever fell from him. He also examined the witnesses in the softest manner, taking care that they should be put under no confusion, which might disorder their memory; and he summed all the evidence so equally when he charged the jury, that the criminals themselves never complained of him. When it came to him to give sentence, he did it with that composedness and decency, and his speeches to the prisoners directing them to prepare for death, were so weighty, so free of all affectation, and so serious and devout, that many loved to go to the trials when he sate judge, to be edified by his speeches and behaviour in them, and used to say, they heard very few such sermons.—Hale.

The sentence of condemnation he pronounceth with all gravity. 'Tis best when steeped in the judge's tears.—Fuller.

(*n*) He did not affect the reputation of quickness and dispatch, by a hasty and captious hearing of counsel. He would bear with the meanest, and give every

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an over-speaking judge is no well tuned cymbal.—He is diligent in discovering the merits of the cause: by his own exertions; (*p*) from the witnesses, and the advocates.—He is cautious in his judgment; not forming a hasty opinion: not tenacious in retaining an opinion when formed: 'never ashamed of being wiser to-day than he was yesterday:' never wandering from the substance of the matter in judgment into useless subtlety and refinement.—He does not delay justice.

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man his full scope, thinking it much better to lose time than patience.—Life of Hale. Seneca says of Claudius, "He passed sentence una tantum parte audita sæpe et nulla." He is patient and attentive in hearing the pleadings and witnesses on both sides. *Audi alteram partem* is a maxim of which he never loses sight. One of Sir M. Hale's rules is, "That I suffer not myself to be prepossessed with any judgment at all till the whole business and both parties be heard." Another is, "That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard."

(*p*) If the cause be difficult, his diligence is the greater to sift it out. For though there be mention, Psalm xxxvii. 6, of righteousness as clear as the noon-day, yet God forbid that that innocency which is no clearer than twilight should be condemned. And seeing one's oath commands another's life, he searcheth whether malice did not command that oath; yet when all is done, the judge may be deceived by false evidence. But blame not the hand of the dial, if it points at a false hour, when the fault is in the wheels of the clock which direct it, and are out of frame.—Fuller.

Sir M. Hale, in his rules of things to be continually had in remembrance, says, "That I be wholly intent upon the business I am about, omitting all other cares and thoughts as unseasonable and interruptions."

I remember that, when I was a young man, a prisoner was tried at the Old Bailey for a capital offence in secreting a letter. I forget the judge by whom he was tried, but Sir Soulden Lawrence was on the bench, and when the judge by whom he was tried was about to charge the jury, Sir Soulden stated a point of law which had occurred to him in favour of the prisoner. This attention of Sir Soulden saved the man's life: his name was Pooley, Benjamin Pooley I think.

Lord Eldon was very much in the habit of taking home the pleadings after the case had been argued. He told me that, in reading some pleadings, he had just discovered that the counsel had omitted to notice the only point upon which the case turned. He mentioned it, and the bar saw their error. He was one of the most, if not the most pains-taking judge, it is my firm conviction, that ever existed.

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—He is impartial;(*b*) never suffering any passion to interfere with the love of truth.—He hears what is spoken, not who speaks: (*c*) whether it be the sovereign, or a pauper; (*e*) a friend, or a foe; a favourite advocate, (*f*)

(*b*) Hobbs says, "A judge should be able in judgments to divest himself of all fear, anger, hatred, love, and compassion."

When a judge is capable of being influenced by any thing but law, or a cause may be recommended by any thing that is foreign to its own merits, we may venture to pronounce that the nation is hastening to ruin.

Guardian, 99.

Denys de Cortes, advocate of the parliament of Paris, and counsellor to the Chatelet, was so renowned for his integrity, that when a man who was condemned to death by the latter court, and intended to appeal to the parliament, heard that he was one of his judges, he submitted instantly to the sentence, saying, "He was convinced he merited death, since he was condemned by Denys de Cortes."

A judge in the Isle of Man, on entering upon the functions of his office, takes the following oath: "By this book, and by the holy contents thereof, and by the wonderful works that God hath miraculously wrought in heaven above and in earth beneath in six days and seven nights, I do swear that I will without respect of favour or friendship, love or gain, consanguinity or affinity, envy or malice, execute the laws of this isle justly betwixt our sovereign lord the King and his subjects within this isle, and betwixt party and party as indifferently as the herring's back-bone doth lie in the midst of the fish."—Wood's account of the Isle of Man.

(*c*) Parties come differently into court. It is the duty of a judge to make this difference as little as possible. D. Lord Eldon, Gourlay v. Duke of Somerset, Jan. 26, 1824.

(*e*) By a decision in the House of Lords, which was delivered by Lord Rosslyn when Chancellor, a most virtuous clergyman was in a moment reduced from affluence to poverty. The moment the Chancellor had pronounced judgment, he walked from the woolsack to the bar of the house where the clergyman stood. He said, "As a judge I have decided against you: your virtues are not unknown to me. May I beg your acceptance of this presentation to a vacant living, which I happen, fortunately, to have at my disposal." It was worth about £600 a year.

(*f*) He has no favourites in the court. It is a strange thing to see, that the boldness of advocates should prevail with judges; whereas they should imitate God in whose seat they sit; who represseth the presumptuous, and giveth grace to the modest. But it is more strange that judges should have

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or an intelligent judge. (*g*)—He decides according to law; 'jus dicere: non jus dare,' is his maxim. (*h*)—He delivers his judgment in public, (*i*) 'palam atque astante corona.'

"He discharges his duty to all persons.—To the suitors, by doing justice, and by endeavouring to satisfy them that justice is done: (*a*)—to the witnesses, (*b*) by patience, (*c*)

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noted favourites, which cannot but cause multiplication of fees, and suspicion of by-ways.

Sir Matthew Hale, in his rules, says, "Not to give any undue precedence to causes: not to recommend counsel."

(*g*) His judgment is his own, uninfluenced by the opinions of his brethren. In England the junior judge is first to deliver his judgment. He should mix well the freedom of his own opinion with reverence for the opinion of his fellows. —Bacon. In forming his judgment he acts from the dictates of his own understanding, unbiassed by the opinions of his brother judges.

Sir M. Hale would never suffer his opinion in any case to be known till he was obliged to declare it judicially; and he concealed his opinion in great cases so carefully, that the rest of the judges in the same court could never perceive it. His reason was, because every judge ought to give sentence according to his own persuasion and conscience, and not to be swayed by any respect or deference to another man's opinion; and by his means it hath happened sometimes that when all the barons of the Exchequer had delivered their opinions, and agreed in their reasons and arguments, yet he coming to speak last, and differing in judgment from them, hath expressed himself with so much weight and solidity, that the barons have immediately retracted their votes and concurred with him.

(*h*) Etenim optima est lex, quæ minimum relinquit arbitrio judicis: optimus judex, qui minimum sibi.—Justitia Universalis, Aph. 94, vol. ix. p. 94.

(*i*) Nec decreta exeant cum silentio; sed judices sententiæ suæ rationes adducant, idque palam, atque astante corona: ut quod ipsa potestate sit liberum, fama tamen et existimatione sit circumscriptum.—Justitia Universalis, Aph. 38, vol ix. p. 92.

(*a*) The duty of a judge is not only to do justice, but to satisfy the parties that, to the best of his ability, justice has been done. He may err in discovering what is just; but, in satisfying the parties of his anxiety to be just, he need never err. Cicero says of Brutus, "Etiam quos contra statuit æquos placentos que dimisit."

He was not satisfied barely to give his judgment in causes, but did

(*b*) See note (*b*), next page. (*c*) See note (*c*), next page.

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kindness, and by encouragement:—to the jurors, by being a light to lead them to justice:—to the advocates, by hearing

especially in all intricate ones, give such an account of the reasons that prevailed with him, that the counsel did not only acquiesce in his authority, but were so convinced by his reasons, that I have heard many profess that he brought them often to change their opinions; so that his giving of judgment was really a learned lecture upon that point of law; and which was yet more, the parties themselves, though interest does too generally corrupt the judgment, were generally satisfied with the justice of his decisions, even if they were made against them.—Hale's Life, p. 91.

(*b*) If any shall browbeat a pregnant witness, on purpose to make his proof miscarry, he checketh them, and helps the witness that labours in his delivery. On the other side he nips these lawyers who, under a pretence of kindness to lend a witness some words, give him new matter, yea clean contrary to what he intended.—Fuller.

(*c*) He is patient and attentive in hearing the witnesses, though tedious. He may give a waking testimony who hath but a dreaming utterance; and many country people must be impertinent before they can be pertinent, and cannot give evidence about a hen, but first they must begin with it in the egg. All which our judge is contented to hearken to.—Fuller.

He meets not testimony half way, but stays till it come at him: he that proceeds on half evidence will not do quarter justice. Our judge will not go till he is lead.—Fuller.

Let not the judge meet the cause half way, nor give occasion to the party to say his counsel or proofs were not heard.

Patience is the lawyer's gift.—Lloyd's Life of Sir John Jeffrey, 223.

"Prudens qui patiens," was Lord Burleigh's saying, and Sir Edward Coke's motto. Lord Burleigh is said to have carried matters prudently and patiently as became so great a statesman.—Lloyd.

But nothing was more admirable in him than his patience: he did not affect the reputation of quickness and dispatch, by a hasty and captious hearing of counsel. He would bear with the meanest, and give every man his full scope, thinking it much better to lose time than patience. In summing up an evidence to a jury, he would always require the bar to interrupt him if he did mistake, and to put him in mind of it, if he did forget the least circumstance; some judges have been disturbed at this as a rudeness, which he always looked upon as a service and respect done to him.

Hale's Life, p. 177.

As his majesty was secured by his loyalty, so his subjects were by his patience, a virtue he carried with him to the bench, to attend each circumstance of an evidence, each allegation of a plea, each plea in a cause; hearing what was impertinent, and observing what was proper. His usual

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them patiently; (*d*) correcting their defects, not suffering justice to be perverted by their ingenuity, and encouraging their merits:—to the inferior officers by rewarding the virtuous, skilful in precedents, wary in proceeding, and understanding in the business of the court; and discountenancing the vicious, sowers of suits, disturbers of jurisdiction, impeders, by tricks and shifts, of the plain and direct course of justice, and bringing it into oblique lines and labyrinths: and the poller and exacter of fees, (*f*) who justifies the common resemblance of the courts to the bush, whereunto while the sheep flies for defence in weather, he is sure to lose part of his fleece:—to himself, by counteracting the tendency of his situation to warp his character, and by proper use of times of recreation:—to his profession, by preserving the privileges of his office, and by improvement of the law:—and to society by advancing justice and good feeling, in the suppression of force and detection of fraud; (*k*) in

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saying (as Serjeant Mandevil reports it), being, "We must have two souls, as two sieves: one for the bran, the other for the flour; the one for the gross of a discourse, the other for the quintessence."—Lloyd's Life of Fitzjames.

The errors of patience are on the one side slowness, on the other dispatch.

(*d*) It is no grace to a judge first to find that which he might have heard in due time from the bar; or to shew quickness of conceit in cutting off evidence or counsel too short, or to prevent information by questions, though pertinent.

(*f*) His hands, and the hands of his hands (I mean those about him) must be clean; and uncorrupt from gifts, from meddling in titles, and from serving of turns, be they of great ones or small ones.

One of Sir M. Hale's rules is, "To charge my servants, 1st, not to interpose in any business whatsoever; 2ndly, not to take more than their known fees.

(*k*) Force the vice of strength: cunning the vice of weakness. The principal duty of a judge is to suppress force and fraud; whereof force is the more pernicious when it is open, and fraud when it is close and disguised. A judge ought to prepare his way to a just sentence, as God useth to prepare his way, by raising valleys and taking down hills: so

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readiness to hear the complaints of the distressed;(*l*) in looking with pity upon those who have erred and strayed; in courtesy; in discountenancing contentious suits;(*n*) in attending to appearances,(*o*) esse et videri; in encouraging respect for the office;(*q*) and by resigning in due time."(*r*)

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when there appeareth on either side an high hand, violent prosecution, cunning advantages taken, combination, power, great counsel, then is the virtue of a judge seen to make inequality equal, that he may plant his judgment as upon an even ground. "Qui fortitur emungit, elicit sanguinem;" and where the wine-press is hard wrought, it yields a harsh wine that tastes of the grape-stone.

(*l*) He should have ears always open compassionately to hear the complaints of widows, orphans, afflicted and forlorn people, who endure all the torments of the world to break through the press to manifest their injuries. A widow, whose son had been slain, and who was unable to attain justice, had the courage to accost the Emperor Trajan in the midst of the street, amidst an infinite number of people and the legions attending him to the war in Walachia, to which he was departing. He alighted from his horse, heard her, and ordered justice to be done. This is represented on Trajan's pillar.

(*n*) He should discountenance contentious suits. Contentious suits should be quickly ejected as the surfeit of courts.

De minimis non curat lex is a maxim of the law of England.

Contentious suits ought to be spued out as the surfeit of courts.

Bacon.

He causeth that contentious suits should be spued out as the surfeits of courts.—Fuller.

(*o*) Not ostentatiously, but from a knowledge that observers are influenced by appearance to look at the reality.

(*q*) Sir Matthew Hale says, amongst the things to be continually had in remembrance, "That in the administration of justice I am entrusted for God, the King, and Country."

He should encourage a sentiment of respect for the judicial office; not for ostentation, but as a mode to advance a love of justice.

The judge exalts not himself but his office.

(*r*) He said he could not with a good conscience continue in it since he was no longer able to discharge the duty belonging to it.—Hale's Life, p. 99.

Mr. Justice Heath used to say he would never resign, but would die "with harness on his back."

He does not set in a cloud, but shines clear to the last.

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In his youth he had exerted himself to improve the gardens of Gray's Inn: (*b*) in gardens he always delighted, (*c*) thinking them conducive to the purest of human pleasures, and he now, as Chancellor, had the satisfaction to sign the patent for converting Lincoln's Inn Fields into walks, (*d*) extending almost to the wall where his faithful friend Ben Jonson had, when a boy, worked as a bricklayer. (*e*)

For relaxation from his arduous occupations he was accustomed to retire to his magnificent and beautiful residence at Gorhambury, the dwelling place of his ancestors, where, (*f*) "when his lordship arrived, St. Albans seemed as if the court had been there, so nobly did he live. His servants had liveries with his crest: his watermen were more employed than even the King's."

About half a mile from this noble mansion, of which the ruins yet remain, and within the bounds of Old Verulam, the Lord Chancellor built, at the expense of about £10,000, a most ingeniously contrived house, where, in the society of his philosophical friends, he escaped from the splendour of Chancellor, to study and meditation. "Here," says Aubrey, his lordship much meditated, his servant, Mr. Bushell, attending him with his pen and inkhorn to set down his present notions. Mr. Thomas Hobbes told me

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(*b*) Ante, p. xxiii. (*c*) See his Essays on Gardens, vol. i. p. 152.

(*d*) To the Marquis of Buckingham.

My very good Lord,—I send the commission for making Lincoln's Inn Fields into walks for his majesty's signature. It is without charge to his majesty. God preserve and prosper you. Your Lordship's most obliged friend and faithful servant, Fr. Verulam, Canc.

Nov. 12, 1618.

(*e*) His mother, after his father's death, married a bricklayer, and it is generally said, that he wrought some time with his father-in-law, and particularly on the garden wall of Lincoln's Inn, next to Chancery Lane.

Aubrey's account of Ben Jonson, vol. iii. p. 412.

(*f*) Aubrey.

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that his lordship would employ him often in this service, whilst he was there, and was better pleased with his minutes, or notes, set down by him, than by others who did not well understand his lordship. He told me that he was employed in translating part of the Essays, viz. three of them, one whereof was that of Greatness of Cities, the other two I have now forgot." (*a*)

Such was the gorgeous splendour, such the union of action and contemplation in which he lived.

Alienation Office and York House.

About this period the King conferred upon him the valuable farm of the Alienation Office, and he succeeded in obtaining for his residence, York House, the place of his birth, and where his father had lived, when Lord Keeper in the reign of Elizabeth. (*b*)

This may be considered the summit of this great man's worldly prosperity. He had been successively Solicitor and Attorney General, Privy Councillor, Lord Keeper, and Lord Chancellor, having had conferred upon him the dignities first of Knight, then of Baron of Verulam, and early in the next year, of Viscount St. Albans; but, above all, he was distinguished through Europe by a much prouder title, as the greatest of English Philosophers.

His birth day. A. D. 1620. Æt. 60.

At York House, on the 22nd of January, 1620, he celebrated his sixtieth birthday, surrounded by his admirers and friends, amongst whom was Ben Jonson, who composed in honour of the day a poem founded on the fiction of the poet's surprize upon his reaching York House,

(*a*) See Aubrey, p. 228. I have an engraving of this house.

(*b*) Besides other good gifts and bounties of the hand, which his majesty gave him, both out of the broad seal, and out of the Alienation Office, to the value in both of £1900 per annum, which, with his manor of Gorhambury, and other lands and possessions near thereunto adjoining, amounting to a third part more, he retained to his dying day.—Rawley. See note A of this work.

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at the sight of the genius of the place performing some mystery. (*a*) Fortune is justly represented insecurely placed upon a wheel, whose slightest revolution may cause her downfall. It has been said that wailing sounds were heard before the destruction of the Temple of Jerusalem, and at last the rushing of mighty wings when the angel of the sanctuary departed.—Had the poet been a prophet, he would have described the good genius of the mansion, not exulting, but dejected, humbled, and about to depart for ever.

(*a*) " Hail, happy genius of this ancient pile!
How comes it all things so about thee smile?
The fire, the wine, the men? and in the midst
Thou stand'st, as if some mystery thou didst.
Pardon, I read it in thy face; the day
For whose return, and many, all these pray,
And so do I. This is the sixtieth year
Since Bacon, and thy lord was born, and here:
Son to the grave wise Keeper of the Seal,
Fame and foundation of the English weal.
What then the father was, that since is he,
Now with a title more to the degree;
England's High Chancellor, the destin'd heir,
In his soft cradle, to his father's chair.
Whose even thread the fates spin round and full
Out of their choicest and their whitest wool.
'Tis a brave cause of joy, let it be known,
For 'twere a narrow gladness kept thine own.
Give me a deep crown'd bowl, that I may sing,
In raising him, the wisdom of my king."

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CHAPTER III.

FROM THE PUBLICATION OF THE NOVUM ORGANUM TO HIS RETIREMENT FROM ACTIVE LIFE,

October, 1620, to June, 1621.

GLITTERING in the blaze of worldly splendour, and absorbed in worldly occupations, the Chancellor, now sixty years of age, could no longer delude himself with the hope of completing his favourite work, the great object of his life, upon which he had been engaged for thirty years, and had twelve times transcribed with his own hand. He resolved at once to abandon it, and publish the small fragment which he had composed. (*a*) For this act

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(*a*) "His book of Instauratio Magna (which, in his account was the chiefest of his works) was no slight imagination or fancy of his brain, but a settled and concocted notion; the production of many years labour and travail. I myself have seen at the least twelve copies of the Instauration, revised year by year, one after another, and every year altered and amended in the frame thereof; till at last it came to that model in which it was committed to the press: as many living creatures do lick their young ones till they bring them to their strength of limbs." Rawley's Life.

"There be two of your council, and one other bishop of this land (Dr. Andrews), that know I have been about some such work near thirty years, so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy." Letter to the King, see vol. ix. p. xiii, in preface.

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of despair he assigned two reasons:—"Because I number my days, and would have it saved;" and "to try whether I can get help in one intended part of this work, namely, the compiling of a Natural and Experimental History, which must be the foundation of a true and active philosophy." (*a*)—Such are the consequences of vain attempts to unite deep contemplation and unremitted action! Such the consequences of forgetting our limited powers; that we can reach only to our arm's length, and our voice be heard only till the next air is still! (*b*)

It will be remembered, that in the Advancement of Learning, he separates the subject of the human mind (*c*) into

- 1. The Understanding.
  - 1. Invention.
  - 2. Judgment.
  - 3. Memory.
  - 4. Tradition.
- 2. The Will.

Under the head of Invention, he says, "The invention of sciences, I purpose, if God give me leave, hereafter to propound, having digested it into two parts; whereof the one I term *experientia literata*, and the other, *interpretatio naturæ*: the former being but a degree and rudiment of the latter. But I will not dwell too long, nor speak too great upon a promise."—This promise he, however, lived partly to realize.

In the year 1623, he completed his tract upon *Literate*

(*a*) See vol. xiv. p. 4.

(*b*) See the fable of Memnon, in the Wisdom of the Ancients, vol. iii. p. 40.

(*c*) Ante, p. cxii.

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Experience, (*a*) in which, after having explained that our inventions, instead of resulting from reason and foresight, had ever originated in accident: that "we are more beholden to a wild goat for surgery: to a nightingale for modulations of music: to the ibis for some part of physic: to a pot-lid that flew open for artillery: in a word, to chance rather than to logic: so that it is no marvel that the Egyptians had their temples full of the idols of brutes; but almost empty of the idols of men:" he divides this art of Discovery into two parts: "For either the indication is made from experiments to experiments, or from experiments to axioms, which may likewise design new experiments; whereof the former we will term *Experientia Literata;* the latter, *Interpretatio Naturæ,* or *Novum Organum:* as a man may go on his way after a three-fold manner, either when himself feels out his way in the dark; or, being weak-sighted, is led by the hand of another; or else when he directs his footing by a light. So when a man essays all kind of experiments without sequence or method, that is a mere palpation; but when he proceeds by direction and order in experiments, it is as if he were led by the hand; and this is it which we understand by *Literate Experience;* for the light itself, which is the third way, is to be derived from the interpretation of nature, or the *New Organ.*" (*b*)

Literate experience.

He then proceeds to explain his doctrine of "*Literate Experience,*" or the science of making experiments. The hunting of Pan. (*c*)

In this interesting inquiry the miraculous vigilance of this extraordinary man may, possibly, be more apparent

(*a*) De Augmentis, L. v. vol. viii. p. 265.
(*b*) De Aug. vol. viii. p. 265.
(*c*) Fable of Pan. See Wisdom of Ancients, vol. iii. p. 11.

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than in his more abstruse works. An outline of it is subjoined. (*a*)

(*a*) The art of experimenting is,

- 1. Systematic.
  - 1. Simple.
    - 1. Production.
      - 1. By repetition.
      - 2. By extension.
      - 3. By compulsion.
    - 2. Inversion.
    - 3. Variation.
      - 1. Of the matter.
      - 2. Of the efficient.
      - 3. Of the quantity.
    - 4. Translation.
      - 1. From nature.
        - 1. To nature.
        - 2. To art.
      - 2. From art.
        - 1. To a different art.
        - 2. To a part of the same art.
      - 3. From experiment to experiment.
  - 2 Compound.
- 2. Chance.

A few moments consideration of each of these subjects will not be lost.

PRODUCTION is experimenting upon the result of the experiment, and is either, 1st, by *Repetition*, continuing the experiment upon the result of the experiment; as Newton, who, after having separated light into seven rays, proceeded to separate each distinct pencil of rays: or, 2ndly, by *Extension*, or urging the experiment to a greater subtlety, as in the memory being helped by images and pictures of persons: may it not also be helped by imaging their gestures and habits? or, 3rdly, by *Compulsion*, or trying an experiment till its virtue is annihilated: not merely hunting the game, but killing it; as burning or macerating a loadstone, or dissolving iron till the attraction between the iron and the loadstone is gone.

INVERSION is trying the contrary to that which is manifested by the experiment: as in heating the end of a small bar of iron, and placing the heated end downwards, and

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The NOVUM ORGANUM is the next subject of consideration. It thus opens:

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your hand on the top, it will presently burn the hand. Invert the iron, and place the hand on the ground, to ascertain whether heat is produced as rapidly by descent as by ascent.

VARIATION is either of the *matter*, as the trying to make paper of woollen, as well as of linen; or of the *efficient*, as by trying if amber and jet, which when rubbed, will attract straw, will have the same effect if warmed at the fire; or of the *quantity*, like Æsop's huswife, who thought that by doubling her measure of barley, her hen would daily lay her two eggs.

TRANSLATION is either from *nature to nature*, as Newton translating the force of gravity upon the earth to the celestial bodies; or from *nature to art*, as the manner of distilling might be taken from showers or dew, or from that homely experiment of drops adhering to covers put upon pots of boiling water; or from *art to a different art*, as by transferring the invention of spectacles, to help a weak sight, to an instrument fastened to the ear, to help the deaf; or to a different part of the same art: as, if opiates repress the spirits in diseases, may they not retard the consumption of the spirits so as to prolong life; or from *experiment to experiment:* as upon flesh putrefying sooner in some cellars than in others, by considering whether this may not assist in finding good or bad air for habitations.

Such are the modes of experimenting by translation,*

* They may be thus exhibited:

- 1. From nature.
  - To nature.
  - To art.
- 2. From art.
  - To a different art.
  - To a different part of the same art.
- 3. From experiment to experiment.

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FRANCISCUS
DE VERULAMIO
SIC COGITAVIT.(a)

His despair of the possibility of completing his important work, of which his Novum Organum was only a portion, appears at the very entrance of the volume, which, instead of being confined to the Novum Organum, exhibits an outline, and only an outline of the whole of his intended labours.

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open to all men who will awake and perpetually fix their eyes, one while on the nature of things, another on the application of them to the use and service of mankind.

COPULATION of experiments is trying the efficacy of united experiments, which, when separate, produce the same effect: as, by pulling off the more early buds when they are newly knotted, or by laying the roots bare until the spring, late roses will be produced. Will not the germination be more delayed by a union of these experiments?

CHANCES of an experiment, or the trying a conclusion not for that any reason, or other experiment, induceth you to it, but only because the like was never attempted before: an irrational, and, as it were, a passionate manner of experimenting; but yet the wonders of nature lie out of the high road and beaten paths, so as the very absurdity of an attempt may sometimes be prosperous.

Such is the nature of his tract entitled "Literate Experience."

(a) Vol. ix. p. 145, 6, 7. Cum autem incertus esset, quando hæc alicui posthac in mentem ventura sint; eo potissimum usus argumento, quod neminem hactenus invenit, qui ad similes cogitationes animum applicuerit; decrevit prima quæque, quæ perficere licuit, in publicum edere. Neque hæc festinatio ambitiosa fuit, sed sollicita; ut si quid illi

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After his dedication to the King, (*a*) he, according to his wonted mode, clears the way by a review of the state of learning, which, he says, is neither prosperous nor advanced, but, being barren in effects, fruitful in questions, slow and languid in its improvement, exhibiting in its generality the counterfeit of perfection, ill filled up in its details, popular in its choice, suspected by its very promoters, and therefore countenanced with artifices, (*b*) it is necessary that an entirely different way from any known by our predecessors must be opened to the human understanding, and different helps be obtained, in order that the mind may exercise its jurisdiction over the nature of things.

The intended work is then separated into six parts:

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humanitus accideret, exstaret tamen designatio quædam, ac destinatio rei quam animo complexus est; utque exstaret simul signum aliquod honestæ suæ et propensæ in generis humani commoda voluntatis. Certe aliam quamcunque ambitionem inferiorem duxit re, quam præ manibus habuit. Aut enim hoc quod agitur nihil est; aut tantum, ut merito ipso contentum esse debeat, nec fructum extra quærere.

FRANCIS OF VERULAM

THOUGHT THUS.

Uncertain, however, whether these reflections would ever hereafter suggest themselves to another, and particularly having observed that he has never yet met with any person disposed to apply his mind to similar meditations, he determined to publish whatsoever he had first time to conclude. Nor is this the haste of ambition, but of his anxiety, that if the common lot of mankind should befall him, some sketch and determination of the matter his mind had embraced might be extant, as well as an earnest of his will being honourably bent upon promoting the advantage of mankind. He assuredly looked upon any other ambition as beneath the matter he had undertaken; for that which is here treated of is either nothing, or it is so great that he ought to be satisfied with its own worth, and seek no other return.

(*a*) See vol. ix. p. 150.

(*b*) See vol. ix. from p. 5.

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1. Divisions of the Sciences.
2. Novum Organum; or, Precepts for the Interpretation of Nature.
3. Phænomena of the Universe; or, Natural and Experimental History on which to found Philosophy.
4. Scale of the Understanding.
5. Precursors or Anticipations of the Second Philosophy.
6. Sound Philosophy, or Active Science.

And with respect to each of these parts he explains his intentions.

Division of the Sciences.

As to the first, or THE DIVISION OF THE SCIENCES, he, in 1605, had exhibited an outline in the Advancement of Learning, (*a*) and lived nearly (*b*) to complete it in the year 1623. (*c*) In this treatise he describes the cultivated parts of the intellectual world and the desarts; (*d*) not to measure out regions, as augurs for divination, but as generals to invade for conquest.

The Novum Organum.

THE NOVUM ORGANUM is a treatise upon the conduct of the understanding in the systematic discovery of truth, or the art of invention by a *New Organ*: (*e*) as, in inquiring into any nature, the hydrophobia, for instance, or the attraction of the magnet, the Novum Organum explains a mode of proceeding by which its nature and laws may with certainty be found.

It having been Bacon's favourite doctrine, that important

(*a*) See vol. viii. See ante, p. cxxxv.

(*b*) Not entirely, see the De Aug. vol. ix. p. 83, where his Justitia Universalis is unfinished.

(*c*) Vol. viii. (*d*) Ante, p. cxxi.

(*e*) The object of the second part is the doctrine touching a better and more perfect use of reasoning in the investigation of things, and the true helps of the understanding; that it may by this means be raised, as far as our human and mortal nature will admit, and be enlarged in its powers so as to master the arduous and obscure secrets of nature.

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truths are often best discovered in small and familiar instances, (*a*) as the nature of a commonwealth, in a family

(*a*) Experiments familiar and vulgar, to the interpretation of nature do as much, if not more, conduce than experiments of a higher quality. Certainly this may be averred for truth, that they be not the highest instances, that give the best and surest information. This is not unaptly expressed in the tale, so common, of the philosopher, who while he gazed upward to the stars fell into the water; for if he had looked down, he might have seen the stars in the water, but looking up to heaven he could not see the water in the stars. In like manner, it often comes to pass that small and mean things conduce more to the discovery of great matters than great things to the discovery of small matters; and therefore Aristotle notes well, that the nature of every thing is best seen in its smallest portions. For that cause he inquires the nature of a commonwealth, first, in a family and the simple conjugations of society; man and wife; parents and children; master and servant, which are in every cottage. So likewise the nature of this great city of the world, and the policy thereof, must be sought in every first concordances and least portions of things. So we see that secret of nature (esteemed one of the great mysteries) of the turning of iron touched with a loadstone towards the poles, was found out in needles of iron, not in bars of iron.

Consider obvious and common things.—Newton retired from the University to avoid the plague, which raged with great violence. Sitting under a tree in an orchard, an apple fell upon his head.—As there is motion, there must be a force which produces it. Is this force of gravity confined to the surface of the earth, or does it extend to heavenly bodies?

"See," Bacon says, "the little cloud upon glass or blades of swords, and mark well the discharge of that cloud, and you shall perceive that it ever breaks up first in the skirts, and last in the midst. May we not learn from this the force of union, even in the least quantities and weakest bodies, how much it conduceth to preservation of the present form, and the resisting of the new? In like manner, icicles if there be water to follow them, lengthen themselves out in a very slender thread, to prevent a discontinuity of the water; but if there be not a sufficient quantity to follow, the water then falls in round drops, which is the figure that best supports it against discontinuation; and at the very instant when the thread of water ends, and the falling in drops begins, the water recoils upwards to avoid being discontinued. So in metals, which are fluid upon fusion, though a little tenacious, some of the mettled mass frequently springs up in drops, and sticks in that form to the sides of the crucible. There is a like instance in the looking-glasses, commonly made of spittle by children, in a loop of rush or whalebone, where we find a constant pellicle of water."

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and the simple conjugations of society, man and wife, parents and children, master and servant, which are in every cottage; and as he had early taught that all truths, however divisible as lines and veins,(*a*) are not separable as sections and separations, but partake of one common essence, which, like the drops of rain, fall separately into the river, mix themselves at once with the stream, and strengthen the general current, it may seem extraordinary that it should not have occurred to him that the mode to discover any truth might, possibly, be seen by the proceedings in a court of justice, where the immediate and dearest interests of men being concerned, and great intellect exerted, it is natural to suppose that the best mode of invention would be adopted.

In a well constituted court of justice the Judge is without partiality. He hears the evidence on both sides, and the reasoning of the opposite advocates. He then forms his judgment. This is the mode adopted by Bacon in the Novum Organum for the discovery of all truths. He endeavours to make the Philosopher in his study proceed as a Judge in his court.

For this purpose his work is divisible into three parts: 1st. The removal of prejudice, or the destruction of idols, or modes by which the judgment is warped from the truth. 2ndly. By considering facts on both sides; as if the inquiry be into the nature of heat, by considering all the affirmative and negative instances of heat,

Affirmative Table.	*Negative Table.*
The Sun's direct rays.	The Moon's rays.
Blood of Terrestrial Animals.	Blood of Fish.
Living Animals.	Dead Animals.
&c.	&c.

(*a*) Adv. of Learning, vol. ii. p. 153. De Aug. vol. viii. p. 205.

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3rdly. By explaining the mode in which the facts presented to the senses ought by certain rules to be examined.

As the commander of an army, before he commences an attack, considers the strength and number of his troops, both regular and allies; the spirit by which they are animated, whether they are the lion, or the sheep in the lion's skin; the power of the enemy to which he is opposed; their walled towns, their stored arsenals and armouries, their horses and chariots of war, elephants, ordnance and artillery, and their races of men; and then in what mode he shall commence his attack and proceed in the battle: so, before man directs his strength against nature, and endeavours to take her high towers and dismantle her fortified holds, and thus enlarge the borders of his dominion, (*a*) he ought duly to estimate,

1st. His powers natural and artificial for the discovery of truth.
2nd. His different motives for the exercise of his powers.
3rd. The obstacles to which he is opposed; and,
4th. The mode in which he can exert his powers with most efficacy, or the Art of Invention.

Of these four requisites, therefore, a perfect work upon the conduct of the understanding ought, as it seems, to consist: but the Novum Organum is not thus treated. To system Bacon was not attached: (*b*) for "As young

(*a*) See Bacon, in the beginning of his tract on the Philosophy of Man. See also Diderot de l'Interprétation de la Nature, where he says, "que tous nos efforts se trouvassent réunis et dirigés en même temps contre la résistance de la nature." There is the same expression in South's sermon on Human Perfection, viz. "thereby extending the bounds of apprehension and enlarging the territories of reason."

(*b*) See Advancement of Learning, vol. ii. p. 203. See also note D, vol. ii. p. 384.

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men, when they knit and shape perfectly, do seldom grow to a farther stature, so knowledge, while it is in aphorisms and observations, it is in growth; but when it once is comprehended in exact methods, it may perchance be farther polished and illustrated, and accommodated for use and practice; but it increaseth no more in bulk and substance. (*a*)

Instead of explaining our different powers, our *Senses*, our *Imagination*, our *Reason*, there are in the Novum Organum only some scattered observations upon the defects of the senses;—upon the different causes or idols by which the judgment is always liable to be warped, and some suggestions as to the artificial helps to our natural powers in exploring the truths which are exhibited to the senses. Our powers.

With respect to the defects of the senses, he says that things escape their cognizance by seven modes: (*b*) Defects of the senses.

1st. From distance; which is remedied by substitutes, as beacons, bells, telegraphs, &c.

2nd. By the interception of interposing bodies; which is remedied by attention to outward or visible signs, as the internal state of the body by the pulse, &c.

3rd. By the unfitness of the body: or,

4th. Its insufficiency in quantity to impress the sense, as the air and the vital spirit, which is imperceptible by sight or touch.

5th. From the insufficiency of time to actuate the sense, either when the motion is too slow, as in the hand of a clock or the growth of grass, or too rapid, as a bullet passing through the air.

(*a*) See Advancement of Learning, vol. ii. p. 48.

(*b*) See what he terms citing Instances, vol. ix. p. 305.

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6th. From the percussion of the body being too powerful for the sense, as in looking at the mid-day sun; which is remedied by removing the object from the sense; or by diminishing its force by the interposition of a medium, as smoking tobacco through water; or by reflection, as the sun's rays in a mirror or basin of water: and—

7th. Because the sense is pre-occupied by another object, as by the use of perfumes.

Idols. The defects of the judgment he investigates in a more laborious inquiry. "There are," he says, "certain predispositions which beset the mind of man; certain idols which are constantly operating upon the mind and warping it from the truth; for the mind of man, drawn over and clouded with the sable pavilion of the body, is so far from being like a smooth equal and clear glass, which might sincerely take and reflect the beams of things according to their true incidence, that it is rather like an enchanted glass, full of superstitions, apparitions, and impostures; which idols are of such a pernicious nature, that, if they once take root in the mind, they will so possess it that truth can hardly find entrance; and, even should it enter, they will again rise up, choke, and destroy it." (*a*)

Division of Idols. These idols are of two sorts: 1st, common to all men, therefore called Idols of the Tribe, including the defects of words, called Idols of the Market; 2nd, peculiar to peculiar individuals, either from their original conformation, or from their education and pursuits in life, called Idols of

(*a*) Locke on the conduct of the Understanding says, "Men do not look through glasses which represent images in their true forms and colours; for they put coloured spectacles before their eyes, and look on things through false glasses, and then think themselves excused in following the false appearances which they themselves put upon them."

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the Den, including the errors from particular opinions, called Idols of the Theatre. So that his doctrine of idols may be thus exhibited:

1. Of the Tribe.—Of the Market.
2. Of the Den. — Of the Theatre.

Idols of the Tribe.

The *Idols of the tribe*, or warps to the judgment by which all mankind swerve from the truth, are of two classes: 1st. When man is under the influence of a passion more powerful than the love of truth, as worldly interest, crying, "Great is Diana of the Ephesians:" or, 2ndly, when, under the influence of the love of truth, he, like every lover, is hurried, without due and cautious inquiry, by the hope of possessing the object of his affections; which manifests itself either in hasty assent, or hasty generalization, *the parents of credulity*:—in tenacity in retaining opinions, *the parent of prejudice*:—in abandoning universality, *the parent of feeble inquiry*: (*a*)—or in indulging in subtleties and refinements and endless inquiry, *the parent of vain speculations*, spinning out of itself cobwebs of learning, admirable for their fineness of texture, but of no substance or profit. (*b*)

(*a*) Does not this originate in ignorance of the connexion between all truths, as the quavering upon a stop in music gives the same delight to the ear that the playing of light upon the water, or the sparkling of a diamond, gives to the eye?

(*b*)
- 1. Passions more powerful than love of truth.
  - 1. Worldly interest.
  - 2. Uniformity.
  - 3. Arrangement.
  - 4. Simplicity, &c. &c.
- 2. Love of truth.
  - 1. Hasty
    - Assent.
    - Generalization.
  - 2. Tenacity.
  - 3. Abandoning universality.
  - 4. Endless inquiry, &c. &c.

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Idols of the Market.

As men associate by discourse, and words are imposed according to the capacity of the vulgar, a false and improper imposition of words unavoidably possesses the understanding, leading men away to idle controversies and subtleties, irremediable by definitions, which, consisting of words, shoot back, like the Tartar's bow, upon the judgment from whence they came.

These defects of words, or *Idols of the Market*, are either names of non-existences, as the *primum mobile*, the element of fire, &c.; or confused names of existences, as beauty, virtue, &c.; which, from the subtlety of nature being infinite and of words finite, must always exist. Words tell the minutes, but not the seconds. When we attempt to reach heaven, we are stopped by the confusion of languages.

Idols of the Den.

The *Idols of the Den*, or attachment by particular individuals to particular opinions, he thus explains: "We every one of us have our particular den or cavern which refracts and corrupts the light of nature; either because every man has his respective temper, education, acquaintance, course of reading and authorities; or from the difference of impressions, as they happen in a mind prejudiced or prepossessed, or in one that is calm and equal. Of which defects Plato's cave is an excellent emblem: for certainly if a man were continued from his childhood to mature age in a grottoe or dark and subterraneous cave, and then should come suddenly abroad, and should behold the stately canopy of heaven and the furniture of the world, without doubt he would have many strange and absurd imaginations come into his mind and people his brain. So in like manner we live in the view of heaven, yet our spirits are inclosed in the caves of our bodies, complexions, and customs, which must needs minister unto us infinite images of error and vain opinions,

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if they do seldom and for so short a time appear above ground out of their holes, and do not continually live under the contemplation of nature as in the open air." Of these Idols of the Den, the attachment of professional men, divines, lawyers, politicians, &c. to their respective sciences, are glaring instances. (*a*)

(*a*) Medical Antipathy.—Dr. William Hunter, in his introduction to his anatomical lectures, after having referred to the improvements in anatomy by Malpighi and other Italians, says, the senior professors were inflamed to such a pitch, that they endeavoured to pass a law whereby every graduate should be obliged to take the following additional clause to his solemn oath on taking his degree: "You shall likewise swear that you will preserve and defend the doctrine taught in the University of Bononia, viz. that of Hippocrates, Aristotle, and Galen, which has now been approved of for so many ages, and that you will not permit their principles and conclusions to be overturned by any person, as far as in you lies." "Pro toto tui posse," is the expression. "But," says our author, "this was dropt, and the philosophizing with freedom remains to this day."

Antipathy of Divines and Politicians.—The antipathy of these professions is explained by Lord Bacon, in the opening of his treatise "De Augmentis," to which I must content myself in this place by referring.

Antipathy of Sailors.—Soon after the invention of steam-boats, I happened to be on the walk in Greenwich hospital, opposite to the river, when the Margate steam-boat was passing. "I hate them steam-boats," said one of the Greenwich pensioners, walking away in great dudgeon, "they are clean contrary to nature."

Antipathy of Lawyers.—The lawyers, and particularly St. Paul, were the most violent opposers of Christianity. The civilians, upon being taunted by the common lawyers with the cruelty of the rack, answered, "non ex sævitia, sed ex bonitate talia faciunt homines."—In Utopia, when the archbishop objected to the punishment of death for theft, the counsellor answers, "that the law can never be altered without endangering the whole nation."

Pastoret, a French judge, who wrote on penal lays, "Je voudrois pouvoir défendre l'humanité sans accuser notre législation; mais qu'est la loi positive auprès des droits immuables de la justice et de la nature? Des magistrats même, je ne me le dissimule point, sont opposés aux réformes desirés par la nation entière. Nourris dans une connoissance intime de la jurisprudence pénale, ayant pour elle l'attachement si commun pour des idées anciennes, ils y sont encore attachés par un sentiment plus

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Idols of the Theatre.

Idols of the Theatre, or depraved theories, are, of course, infinite and inveterate; appearing in that numerous litter of strange, senseless, absurd opinions, which crawl about the world to the disgrace of reason and the wretchedness of mankind.

Destruction of Idols.

Upon the destruction of these Idols, Bacon is unceasing in his exhortations. "They must," he says, "by the lover of truth be solemnly and for ever renounced, that the understanding may be purged and cleansed; for the king-

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noble. Leur vertu a souvent adouci la sévérité de la loi, et elle leur rend chères des maximes qu'ils rendent meilleurs, en leur communiquant l'impression d'une ame tendre et vertueuse. Ce n'est pas eux qu'on doit craindre: ils finissent par être justes. Mais ce qu'on doit redoubter, parce qu'elle ne sait ni pardonner ni se corriger, c'est la médiocrité routinière, toujours prête à accabler de reproches ceux qui ont le courage d'élever leurs pensées et leurs observations au-dessus du niveau auquel elle est condamnée. Ce sont des novateurs, s'écrie-t-elle; c'est une innovation, répètent, avec un souris méprisant, les producteurs des idées anciennes. Tout projet de réforme est à leurs yeux l'effet de l'ignorance ou du délire, et les plus compatissans sont ceux qui daignent vous plaindre de ce qu'ils appellent l'égarement de votre raison. L'admiration pour ce qui est, pour ce qui fut, succède bientôt au mépris pour ce qu'on propose. Ils se croient plus sages que nos pères, ajoue-t-on; et avec ce mot, tout paroît décidé."

During a debate in the House of Lords, June 13, 1827, Lord Tenterden is reported to have said, that it was fortunate that the subject (the amendment of the laws) had been taken up by a gentleman of enlarged mind (Mr. Peel), who had not been bred to the law, for those who were, were rendered dull by habit to many of its defects.

And Lord Bacon says, "Qui de legibus scripserunt, omnes vel tanquam philosophi vel tanquam jurisconsulti argumentum illud tractaverunt. Atque philosophi proponunt multa, dictu pulcra, sed ab usu remota. Jurisconsulti autem suæ quisque patriæ legum (vel etiam Romanorum aut pontificiarum) placitis obnoxii et addicti, judicio sincero non utuntur: sed tanquam e vinculis sermonicentur. Certe cognitio ista ad viros civiles propriè spectat qui optimè nôrunt quid ferat societas humana; quid salus populi: quid æquitas naturalis: quid gentium mores: quid rerum publicarum formæ diversæ: ideòque possint de legibus ex principiis et præceptis, tam æquitatis naturalis quam politices, decernere."

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dom of man, which is founded in the sciences, can scarce be entered otherwise than the Kingdom of God, that is, in the condition of little children:" and, with an earnestness not often found in his works, he adds, "If we have any humility towards the Creator; if we have any reverence and esteem of his works; if we have any charity towards men, or any desire of relieving their miseries and necessities; if we have any love for natural truths; any aversion to darkness, any desire of purifying the understanding, we must destroy these idols, which have led experience captive, and childishly triumphed over the works of God; and now at length condescend, with due submission and veneration, to approach and peruse the volume of the creation; dwell some time upon it, and bringing to the work a mind well purged of opinions, idols, and false notions, converse familiarly therein. This volume is the language which has gone out to all the ends of the earth, unaffected by the confusion of Babel; this is the language that men should thoroughly learn, and not disdain to have its alphabet perpetually in their hands; and in the interpretation of this language they should spare no pains, but strenuously proceed, persevere, and dwell upon it to the last."

Such is a faint outline of Bacon's celebrated doctrine of Idols, which has sometimes been supposed to be the most important of all his works, and to expose the cause of all the errors by which man is misled.

Upon the *motives* by which the lover of truth, seeking nature with all her fruits about her, can alone be actuated, and which he has explained in other parts of his works, (*a*) he, in the Novum Organum, contents himself with saying, "We would in general admonish all to consider the true

Our motives.

(*a*) See ante, p. x.

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ends of knowledge, and not to seek it for the gratification of their minds, or for disputation, or that they may despise others, or for emolument, or fame, or power, or such low objects, but for its intrinsic merit and the purposes of life." (*a*)

Obstacles. The obstacles to the acquisition of knowledge are:

- 1. Want of time, and
  - 1. Worldly occupation.
  - 2. Sickness.
  - 3. Shortness of life.
- 2. Want of means.

Want of time. Upon the obstacles *from want of time*, more imaginary than real, if time is not wasted in frivolous pursuits, in sensuality or in sleep, in misapplication of times of recreation, or in idle curiosity, the Novum Organum contains but one casual, consolatory observation: "We judge also that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful." (*b*)

Want of means. The obstacles to the acquisition of knowledge from want of means he through life deeply felt, and he never omitted an opportunity earnestly to express his hope that it would be diminished or destroyed by such a collection of natural history as would shew the world, not as man has made it, not as it exists only in imagination, but as it really exists, as God has made it. (*c*)

(*a*) See vol. v. p. 12. (*b*) See ante, c. ix.

(*c*) In the Advancement of Learning (see vol. ii. p. 95), published in 1605, he notes, as one of the defects of universities, "the want of collections of natural history, and of instruments to assist in experiments, whether appertaining to Vulcan or Dædalus, furnace or engine, without which there cannot be any main proficience in the disclosing of nature." In his fable of Pan, in the Wisdom of the Ancients (vol. iii. p. 11), he explains the exquisite description of nature by the ancients, under the

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Anxious to lay the true foundation of philosophy, he, in the Novum Organum, availed himself of the power with which he was entrusted, to induce the King to form such a collection of natural history as he had measured out in

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person of Pan; where, amidst great ingenuity and much beauty, he says, "He is pourtrayed by the ancients with horns on his head, to reach to heaven, because horns are broad at the root and sharp at the ends, the nature of all things being like a pyramis, sharp at the top. For individual or singular things being infinite are first collected into species, which are many also; then from species into generals, and from generals (by ascending) are contracted into things or notions more general; so that at length nature may seem to be contracted into an unity. Neither is it to be wondered at, that Pan toucheth heaven with his horns, seeing the height of nature or universal ideas do in some sort pertain to things divine, and there is a ready and short passage from metaphysic to natural theology." A sentiment which he repeated in 1623, in the treatise De Augmentis, saying, "The sciences are the pyramids supported by history and experience, as their only and true basis; and so the basis of natural philosophy is natural history; the stage next the basis is physic; the stage next the vertical point is metaphysic: as for the cone and vertical point itself (opus quod operatur Deus à principio usque ad finem; the summary law of nature), we do justly doubt, whether man's inquiry can attain unto it."—See vol. viii. p. 90 and 189. He therefore, as a portion of the third part of his Instauration (see Baconiana, 41), resolved himself to commence this arduous undertaking, in a work entitled Sylva Sylvarum, published years after his death, by his faithful friend and secretary, Dr. Rawley, who says, "I have heard his lordship speak complainingly, that his lordship, who thinketh he deserveth to be an architect in this building, should be forced to be a workman and a labourer, and to dig the clay and burn the brick; and more than that, according to the hard condition of the Israelites at the latter end, to gather the straw and stubble over all the fields, to burn the bricks withal. For he knoweth that except he do it, nothing will be done: men are so set to despise the means of their own good." And, in his New Atlantis (vol. ii. p. 322), he preferred assisting in such a collection, as more important than an inquiry into the principles of government and legislation; and he pointed out of what it ought to consist, and the modes by which the obstacles to the acquisition of knowledge, from the expense attendant upon such collections, might be diminished by public lectures and libraries, and by collections and instruments in public institutions.—See ante, p. xiii.

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his mind, and such as really ought to be procured; "a great and royal work, requiring the purse of a prince and the assistance of a people." He therefore, in the dedication, and in his presentation letter, urged the King to imitate Solomon, by procuring the compilation and completion of such a natural and experimental history as should be serviceable for raising the superstructure of philosophy: that, at length, after so many ages, philosophy and the sciences may no longer be unsettled and speculative, but fixed on the solid foundation of a varied and well considered experience: (*a*) and in his reply to the King's acknowledgment of the receipt of the Novum Organum, he repeats his hope that the King will aid him in employing the community in collecting a natural and experimental history, as "basis totius negotii;" for who can tell, now this mine of truth is opened, how the veins go, and what lieth higher, and what lieth lower." (*b*)

Such were the hopes in which he indulged. So difficult is it to love and be wise. The King complimented him upon his work, saying, that "like the peace of God, it passeth all understanding;" (*c*) but of a collection of natural history "*ne verbum quidem.*" (*d*)

Annexed to this doctrine of idols, there are some inquiries into the signs of false philosophy; (*e*)—the causes

(*a*) Vol. ix. p. 150, and vol. xiv. p. 4.
(*b*) Vol. ix. p. xvi.
(*c*) Ante, p. lxxxvi.
(*d*) See vol. ix. preface, p. xxvi.

(*e*) The signs of false philosophy are, he says,* 1. Their origin. 2. Their fruit, whether barren or productive, whether producing disputations, thistles and thorns, or grapes and olives. 3. Their progress, whether being founded in

* Aph. 71, 2, 3, 4, 5, 6, 7, vol. ix. p. 221 to 229; vol. xiv. p. 51 to 56.

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of the errors in philosophy; (*a*)—and the grounds of hope that knowledge must be progressive: (*b*)—hopes which he

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nature, they grow, or against nature are mules, and stationary. 4. The confession of authors. 5. The disagreement amongst the professors, shewing that the way from sense to the understanding is not well guarded. 6. Consent, the most fatal and lethargic of all signs.

(*a*) The causes of the numerous and prevalent errors and their continuance through so many ages are, he says,* 1. A scantiness of times, suited to knowledge. 2. The neglecting natural philosophy, the mother of the sciences. 3. The considering natural philosophy only as a passage to other things, thus degrading the mother of the sciences to the office of a handmaid. 4. Mistaking the end of knowledge. 5. Mistaking the road. 6. Improper reverence for antiquity and authors. 7. Admiration of existing works. 8. Imagination of plenty. 9. The absurdities of projectors. 10. The pusillanimity of inventors. 11. Superstition and the blind furious zeal of religion. 12. The customs and institutions of universities. 13. Despair and supposition of impossibilities.

(*b*) The hopes that knowledge will be progressive are stated, he says, in imitation of Columbus, who, before he undertook his expedition through the Atlantic ocean, assigned his reasons why he expected to find new lands and continents.† These reasons are: 1. General intercourse. 2. Knowledge of the errors of past times. 3. The union of the experimental and rational faculties: not like the empirics, who, as ants, lay up stores and use them; or the rationalists who, like spiders, spin webs out of themselves: but like the bee, gathering her matter from the flowers of the field and garden, and digesting and preparing it by her native powers. 4. Pure and unmixed natural

* Aph. 78, 9, 80-1 to 92, vol. ix. p. 228; vol. xiv. p. 56.

† Aph. 93 to 115, vol. ix. p. 249; vol. xiv. p. 69.

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had beautifully stated in the conclusion of his Advancement of Learning. (*a*)

Right road.

After having thus cleared the way by considering the modes by which we are warped from the truth; by which, formed to adore the true God, we fall down and worship an idol: (*b*) after having admonished us, that, in the conduct of the understanding, a false step may be fatal, that a cripple in the right will beat a racer in the wrong way, erring in proportion to his fleetness, he expresses his astonishment that no mortal should have taken care to open and prepare a way for the human understanding from sense and a well conducted experience, but that all things should be left either to the darkness of tradition, the giddy agitation and whirlwind of argument, or else to the uncertain waves of accident, or a vague and uninformed experience. To open this way, to discover how our reason shall be guided, that it may be right, that it be not a blind guide, but direct us to the place where the star appears, and point us to the very house where the babe lieth, is the great object of this inquiry.

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philosophy. 5. The regeneration of sciences. 6. Supply of natural history. 7. Supply of mechanical experiments. 8. The orderly conducting experience. 9. The not trusting to inventions, except in writing. 10. Tables of invention. 11. Proper use of tables of invention. 12. Proper conduct of understanding. 13. Proper induction which is the greatest hope. 14. Privation of reading, and dismembering the sciences. 15. Systematic, instead of accidental invention. 16. The not forming conjectures of new things from examples of existing inventions. 17. The use of literate experience. 18. Knowledge of the nature of useless inquiry and idle curiosity. 19. Multitude of particulars. 20. Division of labour. 21. Experimenting.

(*a*) Ante, p. cxxxvi. (*b*) See his essay "Of Love," vol. i. p. 31.

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Formation of opinion.

As our opinions are formed by impressions made upon our senses, by confidence in the communications of others, and by our own meditations, man, in the infancy of his reason, is unavoidably in error: for, although our senses never deceive us, the communications made by others, and our own speculations must, according to the ignorance of our teachers, and the liveliness of our own imaginations, teem with error.

Bacon saw the evil, and he saw the remedy: he saw and taught his contemporaries and future ages, that reasoning is nothing worth, except as it is founded on facts.

In his Sylva Sylvarum, he thus speaks: "The philosophy of Pythagoras, which was full of superstition, did first plant a monstrous imagination, which afterwards was, by the school of Plato and others, watered and nourished. It was, that the world was one entire, perfect, living creature; that the ebbing and flowing of the sea was the respiration of the world, drawing in water as breath, and putting it forth again. They went on and inferred, that if the world were a living creature, it had a soul and spirit. This foundation being laid, they might build upon it what they would; for in a living creature, though never so great, as, for example, in a great whale, the sense, and the effects of any one part of the body, instantly make a transcursion throughout the whole body: so that by this they did insinuate that no distance of place, nor want or indisposition of matter, could hinder magical operation; but that, for example, we might here in Europe have sense and feeling of that which was done in China. With these vast and bottomless follies, men have been in part entertained. (a) But we that hold firm to the works of

(a) See absurdities of the same nature in Kenelm Digby's discourse on Powder of Sympathy, by which wounds were cured. He says, that "a man

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God, and to the sense, which is God's lamp, *Lucerna Dei Spiraculum Hominis*, will inquire, with all sobriety and severity, whether there is to be found, in the footsteps of nature, any such transmission and influx of immateriate virtues." (*a*)

In this state of darkness was society involved, when Bacon formed his Art of Invention, which consists in collecting all bodies that have any affinity with the nature sought; and in a systematic examination of the bodies collected.

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having cut his hand, asked me to view his wounds; 'For I understand,' said he, 'that you have extraordinary remedies upon such occasions, and my surgeons apprehend some fear that it may grow to a gangrene, and so the hand must be cut off.' I told him that I would willingly serve him. I asked him then for any thing that had the blood upon it; so he presently sent for his garter, wherewith his hand was first bound: and having called for a bason of water, as if I would wash my hands, I took a handful of powder of vitriol, which I had in my study, and presently dissolved it. As soon as the bloody garter was brought me, I put it within the bason, observing in the interim what Mr. Howel did, who stood talking with a gentleman in a corner of my chamber, not regarding at all what I was doing; but he started suddenly, as if he had found some strange alteration in himself. I asked him what he ailed? 'I know not what ails me, but I find that I feel no more pain; methinks that a pleasing kind of freshness, as it were a wet cold napkin did spread over my hand, which hath taken away the inflammation that tormented me before.' I replied, since that you feel already so good an effect of my medicament, I advise you to cast away all your plaisters, only keep the wound clean. After dinner I took the garter out of the water, and put it to dry before a great fire; it was scarce dry, but Mr. Howell's servant came running, and told me, that his master felt as much burning as ever he had done, if not more, for the heat was such as if his hand were betwixt coals of fire. I answered, that although that had happened at present, yet he should find ease in a short time; for I knew the reason of this new accident, and I would provide accordingly, for his master should be free from that inflammation, it may be before he could possibly return unto him. Thereupon he went, and at the instant I did put again the garter into the water; thereupon he found his master without any pain at all. Within five or six days the wounds were cicatrized and entirely healed."

(*a*) See Century x. of Sylva, vol. iv. p. 487, a tract containing materials for a work upon Imagination, most deserving consideration.

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To discover facts is, therefore, his first object; but, as natural and experimental history is so copious and diffusive as to confound and distract the understanding, unless digested in proper order, tables are formed and so digested, that the understanding may commodiously work upon them.

TABLE I.

The first, or Affirmative Table, consists of a general collection of all the known analogous instances (*a*) which agree in the nature sought, from subjects however dissimilar or sordid they may be supposed to be, and without being deterred by the apparent number of particulars. Affirmative table.

If, for instance, the nature sought be heat or light, these tables may be thus conceived:

Heat.	*Light.*
The Sun's direct rays.	The Heavenly Bodies.
Forked Lightning.	Rotten Wood.
Flame.	Putrid scales of Fish.
Blood of Terrestrial Animals.	Glow Worms.
Living Animals.	Sugar scraped.
Pepper masticated.	Eyes of certain Animals.
&c. &c.	Drops of Salt Water from ours.
	Silk stockings rubbed.
	&c. &c.

Such is the object of his first or affirmative table, which, he warns his reader, is not to raise the edifice, but merely to collect the materials, and which is, therefore, to be made without any hasty indulgence of speculation, although the mind may, in proportion to its ingenuity, (*b*) accidentally, from an inspection of affirmative instances, arrive at a just conclusion.

(*a*) Nov. Org. Aph. x. L. 2. See vol. ix. p. 299.
(*b*) See Aph. 30. Nov. Org. L. 1. vol. ix. p. 283.

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TABLE II.

Negative table.

The second, or Negative Table,(*a*) consists of a collection of all the known instances of similar bodies, which do not agree in the same nature.—Thus let the nature sought be heat.

Affirmative Table.	*Negative Table.*
The Sun's direct rays.	The Moon's rays.
Blood of Terrestrial Animals.	Blood of Fish.
Living Animals.	Dead Animals.
Boiling Water.	Ice.
&c. &c.	&c. &c.

By observing this table, it appears that the blood of all animals is not hot. This table, therefore, prevents hasty generalization. "As if Samuel should have rested in those sons of Jesse which were brought before him in the house, and should not have sought David who was absent in the field."

By observing the table, it also appears that boiling water is hot; ice is cold:—living bodies are hot; dead bodies are cold;—but in boiling water and in living bodies there is motion of parts: in ice and dead bodies they are fixed. Another use, therefore, of this table is to discover the nature sought, by observing its qualities which are absent in the analogous nature, "like the images of Cassius and Brutus, in the funeral of Junia;" of which, not being represented as many others were, Tacitus saith, "*Eo ipso præfulgebant quod non visebantur.*"

(*a*) Aph. 12. Nov. Org. L. 2. vol. ix. p. 301.

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TABLE III.

The third, or table of Comparisons, (*a*) consists of comparisons of quantity of the nature sought in the same bodies and in different bodies. Thus, Table of Comparisons.

COMPARISONS OF HEAT.

In different bodies.	*In the same body.*
There is no solid body naturally hot.	*In Animals.*
All bodies are in different degrees capable of heat.	Animal heat varies from minute perceptibility to about the heat of the hottest day. It is always endurable. It is increased by food, venery, exercise, fever, &c.
There is no whole vegetable hot to the external touch.	In some fevers the heat is constant, in others intermittent, &c.
Living animals.	Heat varies in different parts of the same body.
Flame.	Animals differ in heat, &c.
Anvil struck by hammer.	*Flame.*
The continuance of a body in heat.	1. The lambent flame, related by historians to have appeared on the heads of children, gently playing about the hair.
Boiling water.	2. The coruscations seen in a clear night on a sweating horse.
Pepper masticated.	3. Of the glow-worm. 4. Of the ignis fatuus. 5. Of spirits of wine.
Boiling lead.	6. Of vegetables, straw, dry leaves.
Gas.	7. Of boiling metals.
Lightning.	8. Of blast furnaces.
Acids.	
&c. &c.	

By observing in this table the cause of the different quantities of the nature sought, some approximation may be made to the nature itself. Thus vegetables, or common water, do not exhibit heat to the touch, but masticated pepper or boiling water are hot. Flame is hotter than the human body: boiling water than warm. Is there any difference except in the motion of the parts?

(*a*) Aph. 13. Nov. Org. L. 2. vol. ix. p. 313.

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TABLE IV.

Table of Exclusions

Or of Exclusions, is of a more complicated nature. Bacon assumes that the quality of any nature can be ascertained by its being always present when the sought nature is present: is always absent when the sought nature is absent: increases always with its increase, and decreases with its decrease.

Upon this principle his table of exclusions is formed, by excluding, 1st, such particular natures as are not found in any instances where the given nature is present; or 2nd, such as are found in any instances where that nature is absent; and 3rd, such as are found to increase in any instance when the given nature decreases; or 4th, to decrease when that nature increases. Thus,

Natures not always present with the sought nature.		*Nature varying according to some inverse law of the sought nature.*	
Which may be absent when the sought nature is present.	Which may be present when the sought nature is absent.	Which may increase as the sought nature decreases.	Which may decrease as the sought nature increases.
Light. Quiescence of parts. &c.	Fluidity. Motion of the whole body. Quiescence of parts.	Quiescence of parts. &c.	Light. Iron may be heated to a greater heat than the flame of spirit of wine. Quiescence of parts. &c.

The object of this exclusion is to make a perfect resolution and separation of nature, not by fire but by the mind, which is, as it were, the divine fire: that, after this rejection and exclusion is duly made, the affirmative, solid, true, and well defined form will remain as the result of the operation, whilst the volatile opinions go off in fume.

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TABLE V.

The fifth table of Results, termed the first vintage or dawn of doctrine, consists of a collection of such natures as always accompany the sought nature, increase with its increase, and decrease with its decrease. Table of Results.

It appears, that, in all instances, the nature of heat is motion of parts;—flame is perpetually in motion;—hot or boiling liquors are in continual agitation;—the sharpness and intensity of heat is increased by motion, as in bellows and blasts;—existing fire and heat are extinguished by strong compression, which checks and puts a stop to all motion;—all bodies are destroyed, or at least remarkably altered, by heat; and, when heat wholly escapes from the body, it rests from its labours; and hence it appears, that heat is motion, and nothing else.

Having collected and winnowed, by the various tables, the different facts presented to the senses, he proposed to examine them by nine different processes: (*a*) of which he has investigated only the first, (*b*) or PREROGATIVE

(*a*) 1. Prerogative instances. 2. The helps of induction. 3. The rectification of induction. 4. The method of varying inquiries, according to the nature of the subject. 5. Prerogative natures for inquiry, or what subjects are to be inquired into first, what second. 6. The limits of inquiry, or an inventory of all the natures in the universe. 7. Reducing inquiries to practice, or making them subservient to human uses. 8. The preliminaries to inquiry. 9. The ascending and descending scale of Axioms.

(*b*) Nor was any thing afterwards published towards executing the rest, though it appears that the whole design was laid from the first, and that, at times, the other parts were gone on with, after the present piece was published. The want of these additional sections may, perhaps, be in some

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INSTANCES, those instances by which the nature sought is most easily discovered. They may be thus exhibited:

- 1. Contracting the inquiries within narrow limits.
  - 1. Exclusion of irrelevants.
    - 1. Solitary.
    - 2. Travelling.
    - 3. Journeying.
    - 4. Nature in motion.
    - 5. Constituent.
  - 2. Nature conspicuous.
    - 1. Patent and Latent.
    - 2. Maxima. Minima.
    - 3. Frontier.
    - 4. Singular.
    - 5. Divorce.
    - 6. Deviating.
- 2. Reality and Appearances.
- 3. Resemblances and Differences.

1. EXCLUSION OF IRRELEVANTS.

Solitary. *Solitary Instances.*—If the inquiry be into the nature of colour: a rainbow and a piece of glass in a stable window, differ in every thing except in the prismatic colours; they are therefore solitary in *resemblance*. The different parts of the same piece of marble, the different parts of a leaf of a variegated tulip, agree in every thing, save the colour; they are, therefore, solitary in *difference*.

By thus contracting the limits of the inquiry, may it not possibly be inferred, that colour depends upon refraction of the rays of light?

Motion. *Nature in motion.*—Observe nature in her processes. If any man desired to consider and examine the contrivances and industry of a certain artificer, he would not be content to view only the rude materials of the workman, and then

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measure supplied by a close attention to the present doctrine of Instances. But, in order to render the whole more generally intelligible and useful, it were greatly to be wished that some tolerably qualified person would give an essay upon it, in as familiar a manner as the subject will allow. See Dr. Hook's Method of improving Natural Philosophy.—Shaw.

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immediately the finished work, but covet to be present whilst the artist prosecutes his labour, and exercises his skill. And the like course should be taken in the works of nature.

Travelling Instances.—In inquiring into any nature, observe its progress in approaching to or receding from existence. Let the inquiry be into the nature of whiteness. Take a piece of clear glass and a vessel of clear water, pound the glass into fine dust and agitate the water, the pulverised glass and the surface of the water will appear white; and this whiteness will have travelled from non-existence into existence.—Again, take a vessel full of any liquor with froth at the top, or take snow, let the froth subside and the snow melt; the whiteness will disappear, and will have travelled from existence to non-existence. Travelling.

Journeying Instances.—In inquiring into any nature, observe its motions gradually continued or contracted. An inquirer into the vegetation of plants should have an eye from the first sowing of the seed, and examine it almost every day, by taking or plucking up a seed after it had remained for one, two, or three days in the ground; to observe with diligence—when, and in what manner the seed begins to swell, grow plump, and be filled, or become turgid, as it were, with spirit;—next, how it bursts the skin, and strikes its fibres with some tendency upwards, unless the earth be very stubborn;—how it shoots its fibres, in part, to constitute roots downwards; in part, to form stems upwards, and sometimes creeping sideways, if it there find the earth more open, pervious, and yielding, with many particulars of the same kind. And the like should be done as to eggs during their hatching, where the whole process of vivification and organization might be easily viewed; and what becomes of the yolk, what of the white, &c. The same is also to be attempted in inanimate Journeying

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bodies; and this we have endeavoured after, by observing the ways wherein liquors open themselves by fire; for water opens one way, wine another, verjuice another, and milk, oil, &c. with a still greater difference.

Constituent. *Constituent Instances.*—In inquiring into any nature, separate complex into simple natures. Let the nature sought be memory, or the means of exciting and helping the memory; the constituent instances may be thus exhibited:

- 1. The art of making strong impressions.
  - 1. The patient.
    - 1. The mind free.
    - 2. The mind agitated.
  - 2. The agent.
    - 1. Variety of impression.
    - 2. Slowness of impression.
- 2. The art of recalling impressions.
  - 1. Cutting off infinity.
    - 1. Order.
    - 2. Places for artificial memory.
    - 3. Technical memory.
  - 2. Reducing intellectual to sensible things.

Such are specimens of his mode of excluding *irrelevant* natures.

2. OBSERVING THE NATURE WHERE MOST CONSPICUOUS, OR INSTANCES OF EXTREMES.

Patent. *Patent and Latent Instances.*—In inquiring into any nature, observe where the nature, in its usual state, appears most conspicuous, and where it appears in its weakest and most imperfect state.—The loadstone is a glaring instance of attraction. The thermometer is a glaring instance of the expansive nature of heat. Flame (*a*) exhibits its expansive nature to the sense, but it is momentary and vanishes.

(*a*) As the sudden lighting of gas.

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—Again, let the inquiry be into the nature of solidity, the contrary of which is fluidity. Froth, snow, bubbles, whether of soap and water blown by children, or those which may be seen occasionally on the surface of a fluid or on the side of a vessel, or the looking-glasses made of spittle by children in a loop of a single hair or a rush, where we see a consistent pellicule of water, like infant ice, exhibit solidity in its most feeble states.

Maxima and Minima.—In inquiring into any nature, observe it in its extremes, or its maxima and minima.—Gold in weight; iron in hardness; the whale in bulk of animal bodies; the hound in scent; the explosion of gunpowder in sudden expansion, are instances of maxima. The minute worms in the skin is an instance of minimum in animal bulk. Maxima.

Frontier Instances.—Observe those species of bodies which seem composed of two species:—as moss, which is something betwixt putrefaction and a plant;—flying fishes, which are a species betwixt birds and fish;—bats, which are betwixt birds and quadrupeds;—the beast so like ourselves, the ape;—the biformed birtbs of animals;—the mixtures of different species, &c. Frontier.

Singular Instances.—In inquiring into any nature, observe those instances, which, in regular course, are solitary amidst their own natures.—Quicksilver amongst metals; the power of the carrier pigeon to return to the place from whence it was carried; the scent of the blood-hound; the loadstone amongst stones; that species of flowers which do not die when plucked from the stalk, but continue their colours and forms unaltered during the winter.—So with grammarians the letter G is held singular for the easiness of its composition with consonants, sometimes with double and sometimes with triple ones, which is a property of no other letter. So the number 9 amongst Singular.

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figures possesses the peculiar property, that the sum of the digits of all its multiples is 9. (*a*)

Divorce. *Instances of Divorce.*—Observe the separation of such natures as are generally united.—Light and heat are generally united; but in a cold moonlight night there is light without heat, and in hot water there is heat without light. The action of one body upon another is in general effected by the medium through which it acts; thus sound varies with the state of the atmosphere, and through a thick wall is scarcely perceptible. The magnetic attraction seems to be an instance of divorce, as it acts indifferently through all mediums.

Deviating. *Deviating Instances.*—Observe nature when apparently deviating from her accustomed course; as in all cases of monsters, prodigious births, &c. He who knows the ways of nature will the easier observe her deviations; and he who knows her deviations, will more exactly describe her ways. For the business in this matter is no more than by quick scent to trace out the footways of nature in her wilful wanderings, that so afterward you may be able at your pleasure to lead or force her to the same place and posture again. As a man's disposition is never well known till he be crossed, nor did Proteus ever change shapes till he was straitened and held fast.

Such are specimens of his modes of viewing nature where most conspicuous.

3, FIXING THE REAL, BETWEEN DIFFERENT APPARENT CAUSES.

Crucial. *Crucial Instances.*—When in inquiring into any particular nature the mind is in æquilibrio between two causes,

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(*a*) Thus, $9 \times 2 = 18$ and $8 + 1 = 9$.
$9 \times 3 = 27$ and $2 + 7 = 9$.
$9 \times 11 = 99$ and $9 + 9 = 18$ and $1 + 8 = 9$.

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observe if there is not some instance which marks the cause of the sought nature.—Let the nature sought be gravity. Heavy bodies, having a tendency to the earth, must fall *ex mero motu*, from their own construction, or be attracted by the earth. Let two equal bodies fall through equal spaces at different distances from the earth, and if they fall through these equal spaces in unequal times, the descent is influenced by the attraction of the earth.

4. RESEMBLANCES AND DIFFERENCES.

Observe resemblances between apparent differences.—Are not gums of trees and gems produced in the same manner, both of them being only exudations and percolations of juices: gums being the transuded juices of trees, and gems of stones; whence the clearness and transparency of them both are produced by means of a curious and exquisite percolation?—Are not the hairs of beasts and the feathers of birds produced in the same manner, by the percolation of juices? and are not the colours of feathers more beautiful and vivid, because the juices are more subtilely strained through the substance of the quill in birds than through the skins of beasts? (*a*) Do not the celestial bodies move in their orbits by the same laws which govern the motions of bodies terrestrial (*b*)

From the conformity between a speculum and the eye, the structure of the ear and of the cavernous places that

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(*a*) Does not an apple fall from a tree, and do not the planets move in their orbits by the same laws?

(*b*) See De Aug. L. iii. p. 169. "Quicunque enim superlunarium et sublunarium conficta divortia contempserit, et materiæ appetitus et passiones maxime catholicas (quæ in utroque globo validæ sunt, et universitatem rerum transverberant) bene perspexerit, is ex illis quæ apud nos cernuntur luculentam capiet de rebus cœlestibus informationem, et ab iis e contra quæ in cœlo fiunt haud pauca de motibus inferioribus qui nunc latent perdiscet; non tantum quatenus hi ab illis regantur, sed quatenus habeant passiones communes."

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yield an echo, it is easy to form and collect this axiom, —that the organs of the senses, and the bodies that procure reflections to the senses, are of a like nature. And again, the understanding being thus admonished, easily rises to a still higher and more noble axiom; viz. that there is no difference between the consents and sympathies of bodies endowed with sense, and those of inanimate bodies without sense, only that in the former an animal spirit is added to the body so disposed, but is wanting to the latter; whence, as many conformities as there are among inanimate bodies, so many senses there might be in animals, provided there were organs or perforations in the animal body, for the animal spirit to act upon the parts rightly disposed, as upon a proper instrument. And conversely as many senses as there are in animals, so many motions there may be in bodies inanimate, where the animal spirit is wanting; though there must, of necessity, be many more motions in inanimate bodies than there are senses in animate bodies, because of the small number of the organs of sense. (*a*)

Differences.

Real Differences in apparent Resemblances.—Do any two beings differ more from each other than two human beings? (*b*) Men's curiosity and diligence have been hitherto principally employed in observing the variety of things, and explaining the precise differences of animals, vegetables, and fossils, the greatest part of which variety and

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(*a*) Do not laughter and fear often originate in the same cause, a partial view of the subject which occasions the joy or grief?

(*b*) See the Excursion, B. 9, where there is a noble passage, beginning

> "Alas! what differs more than man from man,
> And whence the difference?"

See the introduction to Hobbes' Leviathan, the passage beginning "For the similitude of the thoughts."

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differences are rather the sport of nature, than matters of any considerable and solid use to the sciences. Such things, indeed, serve for delight, and sometimes contribute to practice, but afford little or no true information, or thorough insight into nature; human industry, therefore, must be bent upon inquiring into, and observing the similitudes and analogies of things, as well in their wholes as in their parts; for these are what unite nature, and begin to build up the sciences.

Such are specimens, mere specimens, of this most valuable of all his works, and by him most highly valued. It is written in a plain unadorned style in aphorisms, invariably stated by him to be the proper style for philosophy, which, conscious of its own power, ought to go forth "naked and unarmed;" (*a*) but, from the want of symmetry and ornament, from its abstruseness, from the novelty of its terms, and from the imperfect state in which it was published, it has, although the most valuable, hitherto been too much neglected: but it will not so continue. The time has arrived, or is fast approaching, when the pleasures of intellectual pursuit will have so deeply pervaded society, that they will, to a considerable extent, form the pleasures of our youth; and the lamentation in the Advancement of Learning will be diminished or pass away: "Nevertheless I do not pretend, and I know it will be impossible for me, by any pleading of mine, to reverse the judgment, either of Æsop's cock, that preferred the barley-corn before the gem; or of Midas, that being chosen judge between Apollo, president of the muses, and Pan, god of the flocks, judged for plenty; or of Paris, that judged for beauty and love, against wisdom

(*a*) See note B B B at the end, which contains an account of the various editions and translations of the work, and see preface to vol. ix.

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and power; or of Agrippina, 'occidat matrem modo imperet,' that preferred empire with any condition never so detestable; or of Ulysses, 'qui vetulam prætulit immortalitati,' being a figure of those which prefer custom and habit before all excellency; or of a number of the like popular judgments. For these things must continue as they have been: but so will that also continue, whereupon learning hath ever relied, and which faileth not: 'justificata est sapientia a filiis suis.'" (*a*)

(*a*) To this doctrine of Bacon's there have been various objections, which seem to be reducible to two:—1st. That the truth of which Bacon is in search does not exist. 2ndly. That if it do exist, Bacon's is not the mode to discover it.

The first objection is thus stated by Brown, in his work on Cause and Effect: "To those who have a clear notion of the relation of cause and effect, it may be almost superfluous to repeat, that there are no 'forms,' in the wide sense which Lord Bacon gives to that word, as one common operative principle of all changes that are exactly similar. The powers, properties, qualities of a substance, do not depend on any thing in a substance. They are truly the substance itself, considered in relation to certain other substances, and nothing more."

This objection seems to have been anticipated by Bacon,*

* Bacon's words are: "An opinion hath prevailed, and is grown inveterate, that the essential forms and true differences of things can by no diligence of man be found out. Which opinion, in the main, gives and grants us thus much: that the invention of forms is of all other parts of knowledge the worthiest to be sought, if it be possible they may be found. And as for possibility of invention, there are some faint-hearted discoverers, who, when they see nothing but air and water, think there is no further land. But it is manifest that Plato, a man of an elevated wit, and who beheld all things as from a high cliff, in his doctrine of ideas did descry that forms were the true objects of knowledge; however he lost the real

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Copies of the work were sent to the King, the University of Cambridge, Sir Henry Wotton, and Sir Edward Coke.

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who says, "By the word 'form' is meant such a nature as is always present when the sought nature is present; is absent when the sought nature is absent: increases with its increase, and decreases with its decrease. Thus the form of heat is some peculiar motion always present when heat is present, as in flame; absent, when it is absent, as in extinguished flame; increasing with its increase, as in raging flame; decreasing in its decrease, as in expiring flame. Now, although the effect of this heat will be different, according to the body, whether living or dead, upon which it acts, it seems not to be very sound reasoning to infer that the agent does not exist because the patient varies. The laws of light exist, although light does not produce the sensation upon a speculum which it produces on the eye: the laws of sound exist, although the sensation which is produced on the ear is not produced on the cavernous places that yield an echo."

fruit of this most true opinion, by contemplating and apprehending forms, as absolutely abstract from matters, and not confined and determined by matter; whereupon it came to pass that he turned himself to theological speculations, which infected and distained all his natural philosophy. But if we keep a watchful and a severe eye upon action and use, it will not be difficult to trace and find out what are the forms; the disclosure whereof would wonderfully enrich and make happy the estate of man."

"And if any one shall think that our forms have somewhat abstracted in them, because they appear to mix and join together things that are heterogeneous, as the heat of the celestial bodies and the heat of fire; the fixed redness of a rose, and the apparent redness of the rainbow, the opal, or the diamond; death by drowning, and death by burning, stabbing, the apoplexy, consumption, &c. which, though very dissimilar, we make to agree in the nature of heat, redness, death, &c. he must remember that his own understanding is held and detained by custom, things in the gross, and opinions. For it is certain, that the things above mentioned, however heterogeneous and foreign they may seem, agree in the form, or law, that ordains heat, redness, and death."

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1620. Æt. 60. The tranquil pursuits of philosophy he was now, for a time, obliged to quit, to allay if possible the political

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The second objection is thus stated by Mr. Coleridge, in his Friend: "Let any unprejudiced naturalist turn to Lord Bacon's questions and proposals for the investigation of single problems; to his Discourse on the Winds; and put it to his conscience, whether any desirable end could be hoped for from such a process; or to inquire of his own experience, or historical recollections, whether any important discovery was ever made in this way. For though Bacon never so far deviates from his own principles, as not to admonish the reader that the particulars are to be thus collected, only that by careful selection they may be concentrated into universals; yet so immense is their number, and so various and almost endless the relations in which each is to be separately considered, that the life of an antediluvian patriarch would be expended, and his strength and spirits have been wasted, in merely polling the votes, and long before he could commence the process of simplification, or have arrived in sight of the law which was to reward the toils of the over-tasked Psyche."

This objection was also anticipated by Bacon.* "To arrive," he says, "at an indisputable conclusion, every instance should be collected, as the different creatures, every beast of the field, and every fowl of the air were

* Bacon says, "Let no man shrink at the multitude of particulars required, but turn this also to an argument of hope. For the particular phenomena of arts and nature are all of them like sheaves, in comparison of the inventions of genius, when disjoined and metaphysically separated from the evidence of things. The former road soon ends in an open plain, whilst the other has no issue, but proves an infinite labyrinth; for men have hitherto made little stay in experience, but passed lightly over it; and, on the other hand, spent infinite time in contemplation and the inventions of genius, whereas if we had any one at our elbow who could give real answers to the questions we should put about nature, the discovery of causes and of all the sciences would be a work but of a few years."

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storm in which the state was involved, and which he vainly thought that he had the power to calm. It is scarcely possible for any Chancellor to have been placed in a situation of greater difficulty. He knew the work that must be done and the nature of his materials.

The King, who was utterly dependent upon the people, was every day resorting to expedients which widened the breach between them: despotic without dignity, and profuse without magnificence, meanly grasping, and idly scattering, neither winning their love, nor commanding their reverence, he seemed in all things the reverse of his illustrious predecessor, except in what could be well spared, the arbitrary spirit common to them both. While the people were harassed and pillaged by the wretches to whom the King had delegated his authority, he reaped only part of the spoil, but all the odium.

The Chancellor had repeatedly assured the King that his best interests, which consisted in a good understanding with his subjects, could be maintained only by calling frequent parliaments: advice not likely to be acceptable to a monarch who had issued a proclamation, (*a*) commanding all his people, from the highest to the lowest,

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brought to Adam in paradise to see what he should call them,* yet such an attempt is beyond the reach of our limited natures." To proceed, however, with certainty, the collection and comparison of similar natures must be made, and is made by society at large, when, after the lapse of centuries, the instances having been collected and examined, we arrive at a sound conclusion, not unfrequently at the same time, by different persons at different parts of the globe.

(*a*) 23rd Nov. 1620.

* See Advancement of Learning, vol. ii. p. 55.

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not to intermeddle, by pen or speech, with state concernments and secrets of empire, at home or abroad, which were not fit themes for common meetings or vulgar persons;" but, whatever their secret dissatisfaction might be, the whole body of the nation manifested so much zeal for the recovery of the palatinate, that the juncture was deemed favourable for relieving the King's pecuniary difficulties, who consented with this view to summon a parliament.

This resolution was no sooner formed, than the Chancellor was instructed to confer with the most proper persons as to the best means of carrying it into effect; and he accordingly availed himself of the assistance of the two Chief Justices, and of Serjeant Crew, who, after mature deliberation, agreed upon four points, which were immediately communicated to his Majesty and to Buckingham. (*a*)

Different days were fixed for the meeting of this eventful parliament, which was called with a full knowledge of the King's motive for summoning them; and that, had not the expedient respecting benevolences wholly failed, this council of the nation would never have been assembled; as the King considered the Commons "daring encroachers

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(*a*) *First*, the perusing former grievances.

Secondly, the consideration of a proclamation rather monitory than exclusive.

Thirdly, what persons were fit to be of the house, tending to make a sufficient and well composed parliament of the ablest men of the kingdom, fit to be advised with, *circa ardua regni*.

Fourthly, the having ready some commonwealth bills, that may add respect and acknowledgement of the King's care.

See letter, vol. xii. p. 267.

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upon his prerogative endeavouring to make themselves greater, and their prince less than became either."

Previous to the meeting, the Lord Chancellor was raised to the dignity of Viscount St. Alban, (*a*) by a patent which stated that the King had conferred this title because he thought nothing could adorn his government more, or afford greater encouragement to virtue and public spirit, than the raising worthy persons to honour; and with this new dignity, he, on the 27th day of January, was with great ceremony invested at Theobalds, the patent being

(*a*) The preamble to the patent, which was witnessed by the most illustrious peers of the realm, the Prince of Wales, the Viscount Maundeville, Lord High Treasurer; the Earl of Worcester, Lord Privy Seal; Marquis of Buckingham, Lord High Admiral; Marquis Hamilton, Earls of Pembroke, Arundel, Rutland, Montgomery, March, and Holderness, states, that as the King "thought nothing could adorn his government more, or afford greater encouragement to virtue and public spirit, than the raising worthy persons to honour, therefore he, after mature deliberation, had, in the person of Sir Francis Bacon, Knight, Baron of Verulam, descended from an ancient and honourable family, so much the more illustrious, by his succeeding his most worthy and prudent father in the office of keeper of the great seal, to which, through various offices of inferior dignity, from a just experience of his capacity and fidelity, he had by his majesty been led, and his majesty reflecting moreover on his acceptable and faithful services, rendered as well by assiduity and integrity in the administration of justice, as by care and prudence in the discharge of his duty as privy counsellor, and in the management of his revenue, without respect either to private advantage or vain breath of popular applause, had deemed fit to advance his dearly beloved and faithful counsellor to a higher rank in the peerage."

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witnessed by the most illustrious peers of the realm, the Lord Carew carrying, and the Marquess of Buckingham supporting the robe of state before him, while his coronet was borne by the Lord Wentworth. The new viscount returned solemn thanks to the King for the many favours bestowed upon him. (*a*)

The thirtieth of January, an ominous day to the family of the Stuarts, was at last fixed for the King to meet his people, writhing as they were under the intolerable grievances by which they were oppressed; grievances, which, notwithstanding the warnings and admonitions addressed to the King when he ascended the throne, had most culpably increased. Power, not only tenacious in retaining its authority, but ever prone to increase its exactions, may disregard the progress of knowledge, but it is never disregarded with impunity. Truth, the daughter of time, not of authority, (*b*) is constantly warning the community in what their interests consist, and that to protect, not to encroach upon these interests, all governments are formed.

(*a*) Upon the 4th of January, 16 Jac. he was made Lord Chancellor of England;* on the 11th of July next ensuing created Lord Verulam;† and on the 27th of January, 18 Jac. advanced to the dignity of Viscount St. Alban;‡ his solemn investiture being then performed at Theobalds;§ his robe carried before him by the Lord Carew, and his coronet by the Lord Wentworth. Whereupon he gave the King sevenfold thanks:§ first, for making him his Solicitor; secondly, his Attorney; thirdly, one of his Privy Council, fourthly, Lord Keeper of the Great Seal; fifthly, Lord Chancellor; sixthly, Baron Verulam; and lastly, Viscount St. Alban.

Dugdale's Baronage, fol. 1676, vol. ii. p. 438.

(*b*) Nov. Org. Aph. 84.

* Claus. 16 Jac. in dorso, p. 15. 15 Jan. 15 Jac.; Rymer's Fœdera, vol. xvii. p. 55.

† Pat. 16 Jac. p. 11. Rymer's Fœd. vol. xvii. p. 17.

‡ Pat. 18 Jac. p. 4. Rymer's Fœd. vol. xvii. p. 279.

§ Annal. R Jac. in anno 1621.

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Upon the opening of parliament the King addressed the Commons. He stated his opinion of their relative duties: that he was to distribute justice and mercy; and they, without meddling with his prerogative, were by petition to acquaint him with their distresses, and were to supply his pecuniary wants. (*a*)

At first there appeared nothing but duty and submission on the part of the Commons. Determined, if possible, to

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(*a*) He said, "For a supply to my necessities. I have reigned eighteen years, in which time you have had peace, and I have received far less supply than hath been given to any king since the Conquest. The last queen of famous memory had one year with another above a hundred thousand pounds per annum in subsidies; and in all my time I had but four subsidies, and six fifteens. It is ten years since I had a subsidy, in all which time I have been sparing to trouble you. I have turned myself as nearly to save expenses as I may. I have abated much in my household expenses, in my navies, in the charge of my munition. I made not choice of an old beaten soldier for my admiral, but rather chose a young man, whose honesty and integrity I knew, whose care hath been to appoint under him sufficient men to lessen my charges, which he hath done." And he concludes: "I confess I have been liberal in my grants, but if I be informed I will amend all hurtful grievances; but who shall hasten after grievances, and desire to make himself popular, he hath the spirit of Satan. If I may know my errors, I will reform them. I was in my first parliament a novice; and in my last there was a kind of beasts, called Undertakers, a dozen of whom undertook to govern the last parliament, and they led me. I shall thank you for your good office, and desire that the world may say well of our agreement."*

* Rushworth, vol. i. p. 22.

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maintain a good correspondence with their prince, they without one dissenting voice voted him two subsidies, and that too at the very beginning of the session, contrary to the maxims frequently adopted by former parliaments. (*a*) They then proceeded, in a very temperate and decided manner, to the examination of their oppressions, intimating that the supply of the King's distresses and the removal of their vexations were to advance hand in hand without precedency, as twin brothers.

Of their grievances the Commons loudly and justly complained. Under the pretext of granting patents, the creatures of Buckingham had rapaciously exacted large fees. These exactions can scarcely be credited. (*b*) There were patents for every necessary and conveniency of life; for gold and silver thread; for inns and alehouses; for remitting the penalties of obsolete laws, and even for the price of horse-meat, starch, candles, tobacco-pipes, salt, and train-oil; (*c*) and such traders as presumed to continue

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(*a*) Hume. (*b*) Journals.

(*c*) The following notes from the Journals of the Commons, 6th March, may convey some idea of the state of these grievances:—

"That Mr. Chr. Villyers was to have 800*l.* per annum; Sir Edw. V. 500*l.* per annum; and the King 200*l.* per annum; and that Sir Edw. V. hath had 1000*l.* or thereabouts; Chr. V. 150*l.*

"That Sir Francis M. had 100*l.* per annum, payable quarterly, and had it paid two years.

"That some were committed for refusing to be bound, first by Sir G. M. and Sir Francis Michell; after, by the Chief Justice.

"That the patent 9 Jac. passed by the Countess of Bedford.

"That he brought in 2,000*l.*; Fowles, 1,000*l.* &c.

"The first patent procured by Lord Harrington and Countess of Bedford; the projector, to her Lassells. That they compounded with her for her interest in it. Knoweth not who preferred the petition. Bradde the first mover of it to him, and Dykes the second. That it was their own device, to change it from a patent to a commission.

"That Sir G. M. and Sir Francis Michell executed the commission.

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their business without satisfying the rapacity of the patentees, had been severely punished by vexatious prosecutions, fine, and imprisonment. The outcries of the subject were incessant. "Monopolies and briberies were beaten upon the anvil every day, almost every hour." (*a*) The complaints were so numerous that not less than eighty committees to redress abuses in the church, in the courts of law,

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That the last for the King's benefit; only they to have three years benefit, for their monies disbursed. That the proposition was 10,000*l.* per annum to the King, out of which the pensions should have come.

"That Sir Nich. Salter and Mr. Dyke managed all the business for licensing the importation of Venice gold, whereupon 6*s.* and 5*s.* 8*d.* taken, *ut supra.*

"That Sir Francis Michell hath had from them 100*l.* per annum, besides petty things he got from others.

"Sir Francis Michell, brought to the bar, confesseth he hath executed the commission for gold and silver thread. That he had 100*l.* per annum for the execution, which he had it given by way of annuity, for certain years in certainty, for drawing the people to pay 3*s.* upon a pound.

"That Sir H. Yelverton confessed he committed Paske, and four others, at the importunity of Sir Edw. Villyers, but yet with a letter to the Lord Chancellor, that he was pressed to it by Sir Edw. Villyers, and would discharge them, if his lordship did not confirm it. That, after, the Lord Chancellor, upon hearing, committed them close prisoners.

10th March.—"The quality of the parties imprisoned: tradesmen. Kept there five weeks. The threats: an heavier hand; rot in prison.

"Lord Pawlett: that Mr. Twitty told him this morning, that, if a pretty wench, and she would not consent to him, he would threaten her to carry her to the justices, and commit her.

"Mr. Towerson: that the hindrance of importation a great hindrance to the vent of cloth.

"That eleven several trades bound from use of their trades. Breaking open houses; taking away goods.

"That both the commissions directed to any two; yet Sir A. Apesley and Sir Francis Michell solely have committed, yea, that Fowles himself hath committed some for six days.

"That some restrained not to work at all, some but to particular persons.

"A letter of Sir G. Mompesson, that Mr. Villyers and Sir Edw. Villyers sharers."

(*a*) Hacket.

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and in every department of the state, were immediately nominated. (*a*)

From the mass of evils under consideration, the house first directed its attention to the three great patents, of inns, of alehouses, and of gold and silver thread. The chief actors were Sir Giles Mompesson, a man of property, and a member of the house, and Sir Francis Michell, his tool, a poor justice, who received annually £100 for issuing warrants to enforce his tyranny. The rage for punishment was not confined to Mompesson and Michell. Sir Henry Yelverton, the Attorney General, who had incurred the displeasure of Buckingham, was prosecuted and severely punished, for some irregularity respecting a patent for a charter for the city of London. (*b*)

It appeared before a committee of the house, that the profits from these patents were shared by all classes of society who were connected with Buckingham. Amongst the patentees were the Lord Harrington and the Countess of Bedford. Christopher Villiers, and Sir Edward Villiers, half-brother of the lord marquis, received £1800 annually between them; and from one single patent the King's annual profit was £10,000. (*b*)

(*a*) Journals, p. 522, A. D. 1620.

(*b*) Journals of Commons.—The following is extracted from the diary of Judge Whitelock (see his excellent character in Biog. Brit. by Chalmers). The diary is entitled "Liber Famelicus," written by James Whitelock, commencing on the 18th April, 1609, and continued to 1631, in which is a diary of events during this period.

"Upon Saturday, the 5th of April, I visited Sir Henry Yelverton, the new attorney, who related unto me the manner of his coming to the place; and shutting his clyents and other resort from him, shewed his ancient love and good opinion of me in an oure's discourse very neer. That concerning his place was thus: That the King having delivered the great seal to Sir Fr. Bacon, sayd openly before the lords, that now he had settled that, he had no cause to think further upon the rest of his business, for they knew he was resolved his solicitor should be attorney. Not long

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These rumours reached and alarmed the King, who instantly caused a communication to be made to the Lords, that the patent was sanctioned by divers of the judges for

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after, he understood by some of the lords, that the Erl of Buckingham was agent for another, and did crosse him, and was privily advised by some of his friends, as the Duke of Lenox, the Archbishop of Canterbury, and others, to repair unto him, and make away the falte. He absolutely resolved and vowed he would not deal with him about it nor speak to him, and so it continued some few days in a stand. Secretary Wynwood offered him to go with him to the King to exhibit his warrant to be signed; but he refused, and protested he would leave it to the King, who he knew had judgment enough to chuse his own servants. One Robert Pye, a servant of the erl's, who was employed by him in his most private affairs, came to the solicitor early one morning, before he was out of his bed, and being admitted to him, told him that the Erl of Buckingham desired him to come to him, and to bring his warrant that sholde be signed. He went unto him as soon as he was ready; did thear begin a kind expostulation withe him, in that he had not used his help in cumming to the place of attorney, telling him that he looked for any recompence, notwithstanding Sir James Lea had offered 10,000*l.* to have the place. Mr. Attorney did protest unto me, upon his credit, that he neither gave to the erl, or to any other sub. in the kingdom, one farthing to cum to the place, nor contracted for any thing, nor promised any thing, nor had any speeche ahout it; but when the businesse was done, and no expectation of any thing, he went privately to the King, and told him he did acknowledge how like a good master and worthye prince he had dealte with him, and although there was never mention, speech, or expectation of any thing to be had for his having of this place, but he came to it freely, yet out of his duty he wolde give him 4000 readye money. The King tooke him in his armes, thanked him, and commended him muche for it, and told him he had need of it, for it must serve even to buy him dishes, and bad him pay it to his servant Murray, whiche he did, and shewed me the acquittances for it under the hand of Mr. Murray, who as I heer, is keeper of the privie purse."—P. 63.

"It is not to be forgotten that the serjeants-at-law gave each of them 600*l.* to the King; sum of them weare not worth the money, and sum never likely to see it half again in thear practise. Mr. George Croke was left out bycaus he refused to give money, and offence taken at his words bycause he sayd he thought it was not for the King."—P. 49.

"This Michaelmas term, George Vernon, of Cheshire, a reader of the Inner Temple, was for money made serjeant and baron of the Exchequer." P. 138.

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the point of law, and by divers lords for point of convenience. (*a*)

Reform was now the universal cry of the nation. It was one of those periodical outcries, (*b*) which ever has been and ever will be heard in England, till, by admitting the gradual improvement which the progress of knowledge (*c*) requires, the current, instead of being opposed, is judiciously directed. (*d*) The streams which for centuries roll on, and for centuries are impeded, at last break down or rush over the barriers and carry every thing before them. When in this deluge the ark itself is in danger, the patriot endeavours to confine the torrent within its proper banks and to resist or direct its impetuosity, while the demagogue joins in the popular clamour, visiting on individuals the faults of the times, and sacrificing, as an atonement to injured feeling, the most virtuous members of the community.

When the complaints of the people could no longer be resisted, and public inquiry became inevitable, Buckingham, insensible to all other shame, appeared fully conscious of the infamy of exposure. The honour of a gentleman and the pride of nobility slept at ease upon the money-bags extorted from the sufferers, but he and his noble colleagues endured the utmost alarm at the prospect of discovery.

Conscious of his peril, disquieted, and robbed of all peace of mind, admonished "that the arrow of vengeance shot against his brother grazed himself," (*e*) he consulted one of the ablest men in England, Williams, then Dean of

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(*a*) 12th March.—"The Lord Chancellor, removing from his place to his seat as a peer, reported what passed at the conference of both houses on Saturday last, the inducement of which conference was to clear the King's honour touching grants to Sir Gyles Mompesson, and the passages in procuring the same.

(*b*) See ante, p. ciii. (*c*) See ante, p. xi. See note BB.

(*d*) See ante, p. xi. note (*b*), ante, p. ciii. (*e*) Hacket.

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Westminster, who, well versed in matters of state, (*a*) soon saw the position in which all parties were placed. He recommended (*b*) that Villiers should, without a moment's delay, be sent upon some foreign embassy; and, his guilt being less enormous or less apparent than of the other offenders, he was thus protected by the power of his brother. Villiers being safe, Williams advised compliance with the humour of the people, and suggested that in this state tempest (*c*) Sir Giles Mompesson and Sir F. Michell "should be thrown overboard as wares that might be

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(*a*) He was chaplain to Chancellor Egerton, and declined to accept the same appointment under Bacon.

(*b*) "I will now spread affirmative proposals before your honor, which I have studied and considered. Delay not one day before you give your brother Sir Edward a commission for some embassage to some of the princes of Germany, or the north lands, and despatch him over the seas before he be missed."—Hacket, p 50.

(*c*) In a memorial which he had prepared for Buckingham (see Hacket, p. 50) found after his death in his own hand-writing, he says, "Trust me and your other servants, that have some credit with the most active members, to keep you clear from the strife of tongues; but if you assist to break up this parliament, being now in the pursuit of justice, only to save some cormorants, who have devoured that which must be regorged, you will pluck up a sluice which will overwhelm yourself. Those empty fellows, Sir Giles Mompesson and Sir Francis Michell, let them be made victims to the public wrath. It strikes even with that advice which was given to Cæsar in Sallust, when the people expected that some should be examples of public justice, Lucius Posthumius, Marcus Favonius mihi videntur quasi magnæ navis supervacua onera esse; si quid adversi coortum est, de illis petissimum jactura sit, quia pretii minimi sunt. Let Lord Posthumius and M. Favonius be thrown overboard in the storm, for there are no wares in the ship that may better be spared. And your lordship must needs partake of the applause; for though it is known that these vermin haunted your chamber, and is much whispered that they set up trade with some little license from your honor, yet when none shall appear more forward than yourself to crush them, the discourse will come about, that these devices which take ill, were stolen from you by misrepresentation, when you were but new blossomed in court, whose deformities being discovered, you love not your own mistakings, but are the most forward to recall them."

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spared," quoting a wise heathen as a precedent, well knowing that his breviary contained no such doctrine: advice which was gratefully received by the marquis, who declared that, for the future, he would attend to no other counsellor. (*a*)

It may, at first sight, appear remarkable, that, in matters of such moment, Buckingham should apply for counsel to Williams rather than to Bacon, by whose advice he professed to be always guided: it is, however, certain that he not only communicated privately with Williams, but that he carried him to the King, whom they found closeted with the prince, in much distress and perplexity, (*b*) when the dean read to his royal master (*c*) a document prepared at the suggestion of Buckingham, or the fruit of his own politic brain.

It is to be hoped that the fiend ambition did not so far

(*a*) "Advice which the marquis received with much thankfulness as he could express, and requited his adviser with this compliment, that he would use no other counsellor hereafter to pluck him out of his plunges; for he had delivered him from fear and folly, and had restored him both to a light heart and a safe conscience."—Hacket, p. 50.

(*b*) "To the King they go forthwith with these notes of honest settlement, whom they found accompanied in his chamber with the prince, and in serious discourse together."—Hacket, p. 51.

(*c*) Hacket, p. 51.—"Buckingham craves leave that the dean might be heard upon those particulars which he had brought in writing, which the King marked with patience and pleasure; and whatsoever seemed contentious or doubtful to the King's piercing wit, the dean improved it to the greater liking by the solidity of his answers, whereupon the King resolved to keep close to every syllable of those directions; and before the month of March expired, thirty-seven monopolies, with other sharking prouleries, were decried in one proclamation, which returned a thousand praises and ten thousand good prayers upon the sovereign. Out of this bud the dean's advancement very shortly spread out into a blown flower; for the King, upon this trial of his wisdom, either called him to him, or called for his judgment in writing in all that he deliberated to act or permit in this session of parliament, in his most private and closest consultations."

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possess him, as to recommend the greater sacrifice of Bacon, should Mompesson and Michell be deemed insufficient to allay the storm; but if ambition did influence this politic prelate, if the vision of the seals (*a*) floated before him, and induced him to plot against the "gracious Duncan," he could not but foresee that the result of the inquiries would only convince the parliament that Mompesson and Michell were mere puppets moved for the profit and advantage of others, and that Buckingham, or one as highly placed, might be demanded.

Charge of Bribery, March 15, 1620, Æt. 61.

On the 15th of March, 1620, Sir Robert Phillips reported from the committee appointed to inquire into the abuses of courts of justice, of which he was chairman, that two petitions had been presented for corruption against the Lord Chancellor, by two suitors in the court of Chancery, the one named Aubrey, the other Egerton.

Aubrey's petition stated, "That having a suit pending before the Lord Chancellor, and being worn out by delays, he had been advised by his counsel to present £100 to the Chancellor, that his cause might, by more than ordinary means, be expedited, and that, in consequence of this advice he had delivered the £100 to Sir George Hastings and to Mr. Jenkins, of Gray's Inn, by whom it was presented to his lordship; (*b*) but, notwithstanding this offering, the Chancellor had decided against him."

(*a*) Hacket, p. 51.—"The more the King sounded his judgment, the deeper it appeared, so that his worth was valued at no less than to be taken nearer, as counsellor upon all occasions."

(*b*) See note GGG, March 15-17, from which the following is extracted: Awbrey complaineth, that, wearied in his cause in Chancery, he was advised by his counsel, to expedite his business, to present the Lord Chancellor with 100*l*. He got at use 100*l*. goeth with Sir George Hastings and Mr. Jenkyns to York House: there they two went, and returned to him, with thanks from my lord, and hopes of better success in his cause than formerly.

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Egerton's complaint was, that "to procure my lord's favour, he had been persuaded by Sir George Hastings and Sir Richard Young, to make some present to the Chancellor; and that he accordingly delivered to Sir George and to Sir Richard £400, which was delivered by them to the Chancellor as a gratuity, for that my lord, when Attorney General, had befriended him; and that, before this advice, Egerton had himself, either before or after the Chancellor was entrusted with the great seal, presented to his lordship a piece of plate worth fifty guineas; but that, notwithstanding these presents, the Lord Chancellor, assisted by Lord Chief Justice Hobart, had decided against him. (*a*)

If Bacon, instead of treating the charge with contempt, (*b*)

(*a*) To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made, which is mentioned in the article.

(*b*) Extrait d'un lettre de Monsieur le Chevalier Digby à M. de Fermat. —Et comme vous y parley de notre Chancelier Bacon, cela me fit souvenir d'un autre beau mot qu'il dit en ma presence une fois a feu Monsieur le Duc de Buckingham. C'étoit au commencement de ses malheurs, quand l'assemblée des états, que nous appelons le parlement, entreprit de la miner, ce qu'elle fit en suite ce jour la il eu eût la première alarme: j'étois avec le du ayant disné avec lui; le chancelier survint et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit presentée contre lui, et il supplia le duc l'employer son crédit auprès du roi pour le maintenir toujours dans son esprit: le duc repondit qu'il étoit si bien avec le roi

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and indulging in imaginations of the friendship of Buckingham and of the King, thinking, as they were, only of their own safety, had trusted to his own powerful mind, and met the accusation instantly and with vigour, he might at once, strong as the tide was against all authority, (*a*) have stemmed the torrent, and satisfied the intelligent, that the fault was not in the Chancellor, but the Chancery.

Might he not have reminded the house that, although he knew the temporary power of custom against opinion, he in resistance of the established practice, had exerted himself to prevent any interference, even by Buckingham or the

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leur maître, qu'il n'étoit pas besoin de lui rendre de bons offices auprès de sa majesté, ce qu'il disoit, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur: le chancelier lui repondit de très-bonne grace, qu'en il croyoit être parfaitement bien " dans l'esprit de son maître, mais aussi qu'il avoit toujours remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui-même, il ne laissera pourtant pas de brûler mieux et d'être plus beau et plus clair si on le souffle comme il faut."

" My Lord Chancellor hath many bills put up against him, who is said to have made a very peremptory speech in the committee, wherein was this passage: that he wondered how the Lower House would or durst go about to question his personal honour," &c.—From the British Museum.

(*a*) In the year 1824, when there was a senseless yell against Lord Eldon, a commission was appointed to inquire into the defects of the court of Chancery. That it abounded with defects was indisputable. Before this committee I was examined; and aware of the tendency of the many to personify and make their complaints against magistrates, I did all in my power to resist it. The following is an extract from part of my examination. —I hope that in thus speaking of the Lord Chancellor's court, I may not be supposed to be speaking of the Lord Chancellor; or to attribute to him these defects, any more than I thought the defects of the commissioners' court should be ascribed to the commissioners. I cannot but think it most unjust to confound the court with the judge. There is a spirit of improvement now moving upon this country, which ought not, as it appears to me, to be impeded by personality. Permanent defects in a court may perhaps generally be traced to the constitution of the court: that is, not to the judge, but to society.

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King, in the administration of justice, by which the impartiality of the judges might be, or might appear to be disturbed. (*a*)

Could he not have said that both petitions contained internal and unanswerable proof that it was not the corruption of the judge, but the fault of the times, in which the practice originated? Could he not have said that the presents were made openly, in the presence of witnesses?

Decision against donors.

How could these offerings have influenced his judgment in favour of the donor, when, in both cases, he decided against the party by whom the presents were made? In the case of Awbrey he, to repeat the strong expressions which had been used, made "a killing decree against him:"(*b*) and with respect to Egerton, the decision was in favour of his opponent Rowland, who did not make any present until some weeks after the judgment was pronounced. (*c*)

Presents advised by counsel.

But, not contenting himself by thus showing that the offerings were neither presented nor received as bribes, could he not have said, the petitions both state that the presents were recommended by counsel, and delivered by men of title and members of parliament? (*c*) Did they then act in

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(*a*) Ante, p. clxxiii.

(*b*) See Journals in note GGG, under date 17th March, "a killing order made to Awbrey's prejudice."

(*c*) See note (*b*), ante, p. cccxiii. See note GGG, at the end, where the passage is as follows: "In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor."

Whitelock, in his "Liber Famelicus," (see ante) says, "Presently upon my return to Cluer I did visit that honorable and worthy judge, Sir Edw.

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compliance with long established practice, or were they all bribed? Were the practitioners in this noble profession polluted by being accessory to the worst species of bribery? Why, when the charge was made, did the Recorder instantly say, "If Egerton desired to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude?" (*a*)

Could he not have said that the custom of the Chancellor's receiving presents had existed from the earliest periods? (*b*) that a member had reminded the house of its existence, and said, "I think the Chancellor took

Customary to receive presents.

Coke, Lord Chief Justice of England, who was newly returned to Stoke from the parts about London, where he was fayne to attend about his unfortunate businesses at the court. Never man was so just, so upright, so free from corrupte solicitations of great men or frendes as he was. Never put counsellors that practised before him to annual pensions of money or plate to have his favor. In all cawses before him the counsel might assure his clyent from the danger of briberye, the secret mischiefs growing by wife, children, servants, chamber motions, courtesans great or small, and the most religious and orderlye man in his house that lived in our state."

And his diary contains the following entry:

Profits of my office this half year, 1622 (inter alia).

My Lord Brook's New-year's gift	£40	0	0
Howard, the attorney	5	0	0
New-year's gift, Sir R. Vaughan	10	0	0
Of Mr. Turner, the counsellor	5	0	0

Pp. 103 and 109.

(*a*) See note GGG. If Egerton, out of a desire to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude?

(*b*) Ante, p. cciii.

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gratuities, and the Lord Chancellor before, and others before him? I have amongst the muniments of my own estate, an entry of a payment to a former Chancellor of a sum for the pains he had taken in hearing our cause."(*a*)

This custom of judges receiving presents was not peculiar to England, but existed in the most enlightened governments; in the different states of Greece; in all feudal states; in France, where the suitors always presented the judge with some offering in conformity with their established maxim, "*Non deliberetur donec solventur species;*" and in England, from time immemorial. (*b*) It existed before the time of King John, and during his reign; and notwithstanding the rights secured at Runnymede, it has ever continued. It existed in the reign of Henry the Fifth; and although, during the reign of Henry the Eighth, Sir Thomas More declined to receive presents, his very power of declining proves that it was customary to offer them,

(*a*) See note (*a*), next page.

(*b*) Barrington, in his observations on the statutes, as a note to *Nulli vendemus nulli negabimus aut differemus rectum vel justitiam*, says, "This part of Magna Charta is calculated to prevent abuses in the crown with regard to the administration of justice and in some cases the parties litigant offered part of what they were to recover, to the crown."

Maddox, in his History of the Exchequer, collects likewise many instances of fines for the King's favour, and particularly William Stutewell, presented to King John three thousand marks, for giving judgment with relation to the barony of Mowbray, which Stutewell gave against William de Mowbray, (I) Petyt. MSS. vol. i. p. 57, where the proceedings may be likewise seen.

"It was usual to pay fines anciently for delaying law proceedings, even to the extent of the defendant's life; sometimes they were exacted to expedite process, and to obtain right. The county of Norfolk (always represented as a litigious county, insomuch that the number of attornies allowed to practise in it is reduced by a statute of Henry the Sixth to eight) paid an annual composition at the Exchequer, that they might be fairly dealt with."—Maddox, Hist. Exch. p. 205.

The Dean of London paid twenty marks to the King, that he might assist him against the bishop in a law-suit.

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and, in conformity with this practice, the usual presents were made to Lord Bacon within a few hours after he had accepted the great seal, the only pecuniary compensation, except a very trifling salary, to which the Lord Keeper was entitled for labours never intended to be gratuitous. (*a*)

What could have been said in answer to this statement, that the presents were made openly, that the decision was against the party by whom they were made, and that they were made by the advice of counsel and delivered by men of eminence, and sanctioned by immemorial practice in this and in all countries?

Might he not have called upon the justice of the house for protection from the aspersions of two discontented suitors, who had no more cause of complaint against him

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(*a*) The whole salary did not then exceed 2790*l.* per annum, according to the statement of Dean Williams, who says these are all the true means of that great office:

Fines certain . .	£1300
Fines casual . .	1250, or thereabouts.
Writs	140
Impost of wine .	100
	2790"

See this subject fully considered in note G G.

In Lloyd's life of Sir Augustine Nicholls, who was one of the judges in the time of James the First, he says, "We had exemplary integrity, even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him, that he might be secured from all appearance of corruption."

When the charge was made against Lord Bacon, the following observation was made in the House of Commons, as appears in the Journals of Lunæ 26 Martii, 19 Jacobi.—Alford. That the Chancery hindereth commerce at home. Many things propounded about the Lord Chancellor. Thinketh he took gratuities; and the Lord Chancellor before, and others before him. Hath a ledger-book, where 30*s.* given to a secretary, and 10*l.* to a Lord Chancellor, for his pains in hearing a cause. Will proceed from Chancellor to Chancery: will offer heads, to be considered by a committee.

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than Wraynham, (*a*) by whom he was slandered, or Lord Clifford, by whom he was threatened to be assassinated? (*b*) Might he not have called upon the house for protection against these calumnies at a time when the excited people wished for some sacrifice, as a tribute to public opinion, an atonement for public wrongs, and a security for better times?

The people are often censured for their selection of a victim, but, where they contend for a principle, they lose sight of the individual. It is this dangerous indifference that enables bad men to direct, for private ends, a popular tumult. The Jewish people demanded merely their annual privilege; it was the priests who said, "Save Barrabas."

On the 17th of March the Chancellor presided, for the last time, in the House of Lords. The charges which he had at first treated with indifference, were daily increasing, and could no longer be disregarded. From the pinnacle on which he stood, he could see the storm gathering round him: old complaints were revived, and new accusations industriously collected; and, though he had considered himself much beloved in both houses of parliament, he felt that he had secret enemies, and began to fear that he had false friends. He resolved, therefore, to meet his accusers; but his health, always delicate, gave way, and instead of being able to attend in person, he was obliged by writing to address the House of Peers.

To the Right Honourable his very good Lords, the Lords Spiritual and Temporal in the Upper House of Parliament assembled.

My very good Lords,—I humbly pray your lordships all to make a favourable and true construction of my absence.

(*a*) Ante, p. 104. (*b*) Ante, p. 241.

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It is no feigning or fainting, but sickness both of my heart and of my back, though joined with that comfort of mind that persuadeth me that I am not far from heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, so far as I am worthy, hearing that some complaints of base bribery are coming before your lordships, my requests unto your lordships are:

First, that you will maintain me in your good opinion, without prejudice, until my cause be heard.

Secondly, that in regard I have sequestered my mind at this time in great part from worldly matters, thinking of my account and answers in a higher court, your lordships will give me convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein, nevertheless, my counsel's part will be the least; for I shall not, by the grace of God, trick up an innocency with cavillations, but plainly and ingenuously (as your lordships know my manner is) declare what I know or remember.

Thirdly, that according to the course of justice, I may be allowed to except to the witnesses brought against me; and to move questions to your lordships for their cross-examinations; and likewise to produce my own witnesses for the discovery of the truth.

And lastly, that if there be any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge, that makes two thousand orders and decrees in a year (not to speak of the courses that have been taken for hunting out complaints against me) but that I may answer them according to the rules of justice, severally and respectively.

These requests I hope appear to your lordships no other

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than just. And so thinking myself happy to have so noble peers and reverend prelates to discern of my cause; and desiring no privilege of greatness for subterfuge of guiltiness, but meaning, as I said, to deal fairly and plainly with your lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and persons. And rest your lordships' humble servant,

March 19, 1620. FR. ST. ALBAN, Canc.

This letter, which was delivered by Buckingham, (*a*) the Lords immediately answered, by assuring the Chancellor "that the proceedings should be according to the right rule of justice; that it was the wish of the house that his lordship should clear his honour from the different aspersions, and praying him to provide for his defence;" a courtesy which his lordship instantly acknowledged, (*b*) with the expression of his intention to speak more fully at a future time.

Thus resolved to defend himself, there was some communication between the Chancellor and Buckingham; whether it was confined to the favourite must be left to conjecture; but it appears to have had its full effect both upon him and upon the King, who, seeing the untoward events which might yet occur from the discussions of this inquiring parliament, sent a message to the Commons, expressing his comfort that the house was careful to

(*a*) The Lord Admiral declared, that he had been twice with the Lord Chancellor, to visit him, being sent to him by the King. The first time, he found his lordship very sick and heavy; the second time he found him better, and much comforted, for that he heard that the complaint of the grievances of the Commons against him were come into this house; where he assured himself to find honourable justice; in confidence whereof, his lordship had written a letter to the house. The which letter the Lord Admiral presented to the house, to be read.

(*b*) Journals.

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preserve his honour; his wish that the parliament should adjourn to the 10th of April; and his assurance that the complaints against the Lord Chancellor should be carefully examined before a committee of six peers and twelve commoners; a proposal not very acceptable to Sir Edward Coke, who thought it might defeat the parliamentary proceedings which he was so anxious to prosecute. (*a*)

On the 20th, the Commons proceeded to the examination of witnesses, and a further complaint was preferred in the cause of Wharton and Willougby, by the Lady Wharton, against whom the Chancellor had decided. It appeared that the presents were made openly at two several times, with the knowledge and in the presence of witnesses. (*b*)

(*a*) Mr. Secretary Calvert brings a message from the King, that this parliament hath sat a long time, and Easter is near come, and it is fit there should be a cessation for a time, yet the King will appoint no time, but leaves it to yourselves. But for the beginning again, he thinks the 10th of April a fit time, but will appoint none; only he would have you take care that there be no impediment in the subsidies. The King also took notice of the complaints against the Lord Chancellor, for which he was sorry; for it hath always been his care to have placed the best, but no man can prevent such accidents. But his comfort was, that the house was careful to preserve his honour. And his majesty thought not fit to have the occasions hang long in suspense, therefore would not have any thing to hinder it; but for the furtherance thereof, he proposed a commission of six of the higher house, and twelve of the lower house to examine upon oath. This proposition, if we liked it well, he would send the like to the Lords; and this he thought might be done during this cessation; and though he hoped the Chancellor was free, yet if he should be found guilty, he doubted not but you would do him justice.

Sir Edward Coke said, we should take heed the commission did not hinder the manner of our parliamentary proceedings.

The answer returned to the King was, rendering thanks for the first part of his gracious message; and for the second, we direct that the like message may be sent to the Lords, for there being so good a concurrence betwixt us, we may have conference with them about it. Then adjourned.—See note G G G.

(*b*) Journals.—The Lady Wharton having a cause depending in Chancery, many orders were made in it; amongst the rest, there was an order

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The cry having been raised, the lowest members of the profession, a common informer and a disgraced registrar,

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made for dismission, by the consent of the counsel on both sides, which my lady disliking, took Churchill, the register, into her coach, carried him to my Lord Chancellor's, and so wrought, that he was willed not to enter the last order, so that my lady was left at liberty to prosecute it in Chancery, brought it to a hearing, and at length got a decree. Keeling being examined, saith, that near about the time of passing this decree, my lady took 100*l.* he saw it, and she made him set down the words and styles which she would use in the delivery of it. Then she goeth to York House, and delivered it to my Lord Chancellor, as she told him. She carried it in a purse; my lord asked her what she had in her hand? She said, a purse of her own making, and presented it to him, who took it, and said, what lord could refuse a purse of so fair a lady's working! After this my lord made a decree for her, but it was not perfected; but 200*l.* more being given (one Gardener being present), her decree had life. But after the giving of the 100*l.* because she had not 200*l.* ready in money, one Shute dealt with her to pass over the land to my Lord Chancellor and his heirs, reserving an estate for life to herself; but she knowing no reason to disinherit her own children, and confer it upon a lord who had no children, asked Keeling, her man, what he thought of it? He, like an honest servant, was against it. Shute knowing this, sets upon Keeling, and brought him to be willing my lady should do it, with power of revocation, upon payment of 200*l.* in a reasonable time. Keeling lets fall some speeches, as if he had left York House for the corruption which was there, which he himself knew in part. Gardener, Keeling's man, confirmed the payment of the 300*l.* for the decree, viz. 100*l.* before, and 200*l.* after. This purchased decree being lately damned again by my Lord Chancellor, was the cause of this complaint.

Keeling saith, Sir John Trevor did present my Lord Chancellor with 100*l.* by the hands of Sir Richard Young, for a final end to his cause. Sir Richard Young answered, that when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it.

Sir Edward Coke said, it was strange to him that this money should be thus openly delivered, and that one Gardener should be present at the payment of the 200*l.*

Mercurii, 21st Martii, 18th Jacobi, Lady Wharton.—Sir Robert Philips. That Gardyner's man affirmeth, that, three days before the hearing of the cause the Lady Wharton put 100*l.* in a purse, went to York House, and,

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were, with their crew, employed in hunting for charges: and, so ready was the community to listen to complaints, that it mattered not by whom they were preferred; "greatness was the mark, and accusation the game." One of his many faithful friends, (*a*) Sir Thomas Meautys, rose to resist this virulence. He admonished the house of the misstatements that would be made by such accusers, men without character, (*b*) under the influence of motives which could not be misunderstood. "I have known," he said, "and observed his lordship for some years: he hath sown a good seed of justice; let not the abandoned and envious choke it with their tares." He had as much prospect of success as if he had attempted to stop the progress of a volcano.

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as she said after, gave it my lord. That, in —— after, she put 200*l.* more into a purse, and took the money from Gardener at York House, went in to my lord, and as she said, delivered it to my lord, and had after presently the decree.

To the fourth article of the charge, namely, "In a cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds," I confess and declare that I did receive of the Lady Wharton at two several times, as I remember, in gold, two hundred pounds and one hundred pieces, and this was certainly *pendente lite;* but I have a vehement suspicion that there was some shuffling between Mr. Shute and the register in entering some orders, which afterwards I did distaste.

(*a*) Not so all his servants.—Upon his being in disfavour, his servants suddenly went away: he compared them to the flying of the vermin when the house was falling.—Aubrey, 1656.

(*b*) Mr. Meawtys. Touching the persons that inform, I would entreat this honourable house to consider, that Keeling is a common solicitor (to say no more of him); Churchill, a guilty register, by his own confession. I know that fear of punishment, and hopes of lessening it, may make them to say much, yea, more than is truth. For my own part, I must say, I have been an observer of my lord's proceedings; I know he hath sown a good seed of justice, and I hope that it will prove, that the envious man has sown these tares. I humbly desire that those generals may not be sent up to the lords, unless these men will testify them in particular.

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Additional charges thus collected, and of the same nature, were preferred against him.

March 26. On the 26th of March, in conformity with the advice given by Williams, sentence was passed upon Mompesson and Michel,(*a*) many patents were recalled, and the King, after having addressed the house, adjourned the parliament. (*b*)

The King's speech abounded with that adroit flattery to the house, which he so frequently practised when he had any thing to gain or any thing to fear; he did not name the Chancellor directly, and, when he glanced at the charge of bribery, while he cautioned them not to be carried away "by the impertinent discourses of those who named the

(*a*) And so his lordship pronounced the judgment of the lords against the said Sir Giles Mompesson, *in hæc verba*: "The Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge: 1. That Sir Giles Mompesson shall stand, and be from henceforth degraded of the order of knighthood, with reservation of the dignity of his wife and children; and the ceremonies of degradation to be performed, by direction of the Earl Marshal's court, whensoever he shall be taken. 2. And that he shall stand perpetually in degree of a person outlawed for misdemeanour and trespass. 3. And that his testimony be received in no court; and that he shall be of no assize, inquisition, or jury. 4. And that he shall be excepted out of all general pardons to be hereafter granted. 5. And that he shall be imprisoned during his life. 6. And that he shall not approach within twelve miles of the courts of the King or Prince, nor of the King's high courts, usually holden at Westminster. 7. And that the King's majesty shall have the profits of his lands for life; and shall have all his goods and chattels as forfeited; and that he shall undergo fine and ransom, which their lordships assess at ten thousand pounds. 8. And that he shall be disabled to hold or receive any office under the King or for the commonwealth. 9. And lastly, that he be ever held an infamous person."

(*b*) The King in his speech said, "Three patents at this time have been complained of, and thought great grievances. 1. That of the inns and hostelries. 2. That of ale-houses. 3. That of gold and silver thread. My purpose is, to strike them all dead; and that time may not be lost, I will have it done presently."

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innocent as well as the guilty;" he contrived to praise Buckingham, and to turn the charge itself into a dextrous commendation both of his favourite and the prince. (*a*)

The parliament was then adjourned to the 17th of April, with the hope that, during the recess, the favourite or his master might contrive some expedient to delay or defeat investigation: and that time might mitigate the

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(*a*) "And the like I may say of one that sits there (Buckingham); he hath been so ready, upon all occasions, to do good offices, both for this house in general, and every member thereof in particular. One proof thereof, I hope my lord of Arundel hath already witnessed unto you, in his report made unto you of my answer touching the privileges of the nobility, how earnestly he spake unto me in that matter. This I profess and take comfort in, that the House of Commons at this time have shewed greater love, and used me with more respect in all their proceedings, than ever any House of Commons have heretofore done to me, or, I think, to any of my predecessors. As for this house of yours, I have always found it respective to me; and accordingly do I, and ever did favour you, as you well deserved. And I hope it will be accounted a happiness for you, that my son doth now sit amongst you, who, when it shall please God to set him in my place, will then remember, that he was once a member of your house, and so be bound to maintain all your lawful privileges, and like the better of you all the days of his life. But, because the world at this time talks so much of bribes, I have just cause to fear the whole body of this house hath bribed him to be a good instrument for you on all occasions, he doth so good offices in all his reports to me, both for this house in general, and every one of you in particular. Now, my lords, the time draws near of your recess; whether formality will leave you time for proceeding now to sentence against all, or any of the persons now in question, I know not. In sentence, ye are to observe two parts: first, to recollect that which is worthy of judging and censuring; and secondly, to proceed against these, as against such like crimes, properly. We doubt there will be many matters before you, some complained of out of passion, and some out of just cause of grievance. Weigh both; but be not carried away with the impertinent discourses of them that name as well innocent men as guilty; let your judgments only take hold of the guilty; proceed judiciously, and spare none where you find just cause to punish; but let your proceedings be according to law: and remember, that laws have not their eyes in their necks, but in their foreheads."

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displeasure which, in both houses, seemed strong against the Chancellor. (*a*)

The proceedings within the house were suspended, but the Chancellor's opponents, unchecked or secretly encouraged by his pretended friends, continued their exertions, actuated either by virtuous indignation at the supposition of his guilt, or by motives less pure,—the hope of gaining by his fall, or envy of the greatness which overshadowed them.

The state of the Chancellor's mind during this storm has been variously represented; (*b*) by some of his contemporaries he is said to have been depressed; by others that he was merry, and not doubting that he should be able to ride safely through the tempest. His playfulness

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(*a*) Adjourned from the 27th of March to the 18th of April. The marquis had an eye in it upon the Lord Chancellor, to try if time would mitigate the displeasure which in both houses was strong against him.—Hackett.

(*b*) March 24, 1621. Strange bills against him: Thursday and Friday was se'ennight the days that shook him, and himself sick in bed, and swoln in his body and suffering none to come at him. Some say he desired his gentlemen not to take any notice of him, but altogether to forget him, and not hereafter to speak of him, or to remember there was ever any such man in the world. Strange to hear that they talk at London of his former actions, and now of his present sickness. Vanity of vanities, all is vanity! Happy are you who live as it were out of the jurisdiction of these great temptations, and walk not upon these dangerous pinnacles of these tottering pyramids of such false happy dignities.

The following is an extract from a letter from Nathaniel Brent to Sir Richard Beaumont, of Whitley Hall, Yorkshire, dated London, March 23, 1620. Brent held an office under Abbot, Archbishop of Canterbury. "On Thursday next the parliament wil be adjorned for three weekes; but before they dissolve, Mem. Parsons the fugitive must receave his doome in his absence, which is like to be exceeding severe. Your good friend the Lord Chancelor hath so many grievous accusations brought against him, that his ennemies do pittie him, and his most judicous frends have alreadie given him for gon. Notwithstanding, himself is merrie, and doubteth not that he shall be able to calme al the tempests raysed against him."—From the original, in possession of the Rev. B. Baudinell.

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of spirit never forsook him. When, upon the charge being first made, his servants rose as he passed through the hall, "Sit down, my friends," he said, "your rise has been my fall;" and when one of his friends said, "You must look around you," he replied, "I look above me:"(*a*) Playfulness in affliction is, however, only an equivocal test of cheerfulness; (*b*) in a powerful mind grief rests itself in the exercise of the antagonist feelings, and, by a convulsive effort, throws off the load of despair.

Difficult as it may be to discover the real state of his mind, it cannot be supposed, accustomed as he was to active life, and well aware of the intrigues of courts, that, in this moment of peril, his sagacity slumbered, or that he was so little attentive to his own interests, as to be sheltered in the shades of Gorhambury, all meaner things forgotten, watching the progress of some chemical experiment, or wandering with Hobbes in the mazes of metaphysics.

(*a*) There are many other anecdotes of the same nature.—When his lordship was in disfavour, his neighbours hearing how much he was indebted, came to him with a motion to buy oak-wood of him. His lordship told them, "He would not sell his feathers."

The Earl of Manchester being removed from his place of Lord Chief Justice of the Common Pleas to be Lord President of the Council, told my lord (upon his fall) that he was sorry to see him made such an example, Lord Bacon replied, it did not trouble him, since he was made a president.

(*b*) Such was the supposed levity of Sir Thomas More on the scaffold. When Danton was led to the guillotine he conversed upon the pleasures of rural life. This mood of the mind did not escape, and what did escape, the notice of Shakespeare, as may be seen in the light jests and quibbles of Hamlet.

Wordsworth, describing the grief of a young man, says,

> "At his door he stood,
> And whistled many a snatch of merry tunes
> That had no mirth in them."

A very intelligent medical practitioner once said to me, "Apparent cheerfulness by a powerful mind in danger is a bad symptom."

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His enemies, who were compassing his ruin, might imagine that he was thus indulging in the day-dreams of philosophy, but, so imagining, they were ignorant of his favorite doctrine, that "Learning is not like some small bird, as the lark, that can mount and sing, and please herself, and nothing else, but that she holds as well of the hawk, that can soar aloft, and at the right moment can stoop and seize upon her prey."(*a*) The Chancellor retired to prepare for his defence, to view the nature of the attack, and the strength of his assailants. (*b*)

The charges which were at first confined to Aubrey and Egerton, were now accumulated to twenty-three in number,(*c*) by raking up every instance of an offering, even to the case of Wraynham, who had been punished for his scurrilous libel against the Chancellor and the Master of the Rolls.

Of this virulence the Chancellor thus complained to Buckingham: "Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands and a clean heart, and I hope a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up.(*d*) But the

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(*a*) Advancement of Learning.

(*b*) See Theo. Idyll. 26, line 250, and Bishop Taylor on Sickness, describing the retreating of a lion when first struck, in his Holy Dying.

(*c*) But the leisure of three weeks multiplied a pile of new suggestions against him, and nothing was presaged more certain than his downfall, which came to ripeness on the third of May.

(*d*) The biographer of Lord Keeper North says, "I come now to his

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King and your lordship will I hope put an end to these my straits one way or other."—And in a subsequent letter he said, "I perceive, by some speech that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you, that it were strange I should be in debt; for that I could not but have received an hundred thousand pound gifts since I had the seal, which is an abominable falsehood. Such tales as these made St. James say, that the tongue is a fire, and itself fired from hell, whither when these tongues shall return, they will beg a drop of water to cool them. I praise God for it, I never took penny for any benefice or ecclesiastical living; I never took penny for releasing any thing I stopped at the seal; I never took penny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit."

About the same period he thus wrote to the King, in a letter which he entrusted to the discretion of Buckingham to withhold or deliver: (*a*)

It may please your most excellent Majesty,—Time hath been, when I have brought unto you "Gemitum Columbæ" from others, now I bring it from myself. I fly unto your majesty with the wings of a dove, which, once within these

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lordship's last and highest step of preferment in his profession, which was the custody of the great seal of England. And for conformity of language I call this a preferment, but in truth (and as his lordship understood) it was the decadence of all the joy and comfort of his life; and instead of a felicity, as common reputed, it was a disease like a consumption, which rendered him heartless and dispirited." See ante, p. cxcii.

(*a*) My very good Lord,—Yesterday I know was no day; now I hope I shall hear from your lordship, who art my anchor in these floods. Meanwhile to ease my heart, I have written to his majesty the inclosed; which I pray your lordship to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship.

March 25, 1621. Yours ever what I can, Fr. St. Alban, Canc.

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seven days, I thought would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come upon me. I have been (as your majesty knoweth best) never author of any immoderate counsel, but always desired to have things carried "suavibus modis." I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be; for these are the things that use to raise dislikes abroad.

For the House of Commons, I began my credit there, and now it must be the place of the sepulture thereof. And yet this parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the upper house, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true straight line of nobleness without crooks or angles.

And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore I am resolved, when I come to my answer, not to trick my innocency (as I writ to the lords) by cavillations or voidances, but to speak to them the language that my heart speaketh to me, in excusing, extenuating, or ingenuous confessing; praying God to give me the grace to see to the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience, than is cause.

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But not to trouble your majesty any longer, craving pardon for this long mourning letter, that which I thirst after, as the hart after the streams, is, that I may know, by my matchless friend that presenteth to you this letter, your majesty's heart (which is an abyssus of goodness, as I am an abyssus of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation, to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as clay in your majesty's gracious hands, FR. ST. ALBAN, Canc.

March 25, 1620.

To the preparation of his defence he now proceeded—a preparation which could scarcely to any advocate have been attended with difficulty, whether considering the general nature of the complaints, or the weight due to each particular charge.

There are circumstances attending these accusations, by which at this time the judgment may be warped, that did not exist two centuries since. We may be misled by transferring the opinions of the present to past times, and by supposing that the accusations were preferred by some or all of the suitors whose names are mentioned, and on whose behalf the presents were offered after the termination of their causes; but it was then well known, that these suitors reluctantly attended in obedience to the summons obtained in consequence of the petitions presented by the two discontented persons against whom the Chancellor had decided, notwithstanding their supposition that his judgment was to be purchased.

Transfer to past times.

It could not have escaped the notice of any advocate that the presents were made on behalf of the suitors, by

Presents by men of eminence.

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men of character, counsellors, and members of parliament, Sir George Hastings, Sir Richard Young, Sir Henry Holmes, Mr. Jenkins, Mr. Thelwall, Mr. Toby Matthew, and Sir Thomas Perrott; and that they were made openly, with the greatest publicity, both from the nature of the presents themselves, and from the manner in which they were presented; so openly, (*a*) that even Sir Edward Coke admitted the fact, that they were delivered in the presence of witnesses; (*b*) and the Chancellor, in answer to the 21st charge, that, "upon a dispute between three public companies of the Apothecaries and Grocers, he had received presents from each of the companies," instantly said, "Could I have taken these presents in the nature of a bribe, when I knew it could not be concealed, because it must needs be put to the account of the three several companies, each of whom was jealous of the other?"

Presents of furniture.

Who can suppose that, if secrecy had been the object, presents of articles constantly in sight would have been selected, gold buttons, tasters of gold, ambergrease, cabinets, and suits of hangings for furniture; they were made, as was notorious, according to the established custom, in this, and in all countries, a custom which, as the Chancellor L'Hopital endeavoured to abolish in France, (*c*) the Chancellor Bacon would most gladly have abolished in England, and demanded from the country a proper remuneration for the arduous labours of his high office.

Presents customary.

No man felt more deeply the evils which then existed, of the interference by the crown and by statesmen to influence judges. How beautifully did he admonish Buckingham, regardless as he proved of all admonition,

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(*a*) See the Whitelocke MSS. as to presents.

(*b*) See Note GGG, date 20th March.

(*c*) Ante, p. ccvi.

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"By no means be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending, in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the King himself from it upon the importunity of any for themselves or their friends. If it should prevail it perverts justice, but if the judge be so just and of such courage, as he ought to be, as not to be inclined thereby, yet it always leaves a taint of suspicion behind it; judges must be chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust: and, Sir, the honour of the judges in their judicature is the King's honour, whose person they represent." (*a*)

Thus did he raise his voice in opposition to an inveterate practice. The first mode of correcting error, whether in individuals or in the community, is by proclaiming its existence; the next is, when ripe for action, by acting.

No influence on judgment.

That the presents influenced the judgment of the Chancellor was never for a moment supposed by any man. Fourteen out of the twenty-two charges related to presents made long after the causes were terminated, and the complaints of his accusers were, not that the gratuities had, but that they had not influenced his judgment, as he had decided against them.

Such topics would have occurred to any advocate. With what force would they have been urged by the Chancellor? In his Novum Organum, which he had published in the previous year, he had warned society, that "at the entrance of every inquiry our first duty is to eradicate any idol by which the judgment may be warped; as the kingdom of man can be entered only as the kingdom of God, in the simplicity of little children." How powerfully, then, would

(*a*) Ante, p. 176.

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he have called upon the lovers of truth and of justice to divest their minds of all prejudice; to be, when sitting in judgment upon a judge, themselves impartial. Knowing the nature of the high tribunal before whom he was to appear, there could, indeed, have been scarcely any necessity for such an appeal. He knew the joy which they "would feel, if he could clear his honour." He knew that, however grateful it may be to common minds to indulge in the vulgar pleasure of imaginary self-importance from the depression of superiority, a disinclination to condemn, even if truth call for conviction, is an attribute of every noble mind, always afflicted at the infirmities of genius. Knowing that, amongst the peers, many valued themselves upon ancient learning, he would have reminded them, that "the tree scathed with lightning, was with them of the olden time ever held sacred. Sure no tree of the forest, under Jove's favour, ever flourished more than myself; witness for me all those, who while the dews of heaven rested on me, were rejoiced to shelter under my branches: and I the more readily, my lords, remind you of an ensample of heathen piety, because I would not in the presence of some of you speak of Christian charity, which, if it were not recorded by one who cannot lie, I have found so cold that I might suppose it to be only painted forth in books, but, indeed, without life, or heat, or motion."

He could not have thought it necessary to warn the Lords, as he had apprised the King that "when from private appetite it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed to make a fire to offer it with;" nor to have said to the Lords, as he had said to the King, "For the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope

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I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice: however, I may be frail, and partake of the abuses of the times."—For such appeals there would not, before such a tribunal, have been any necessity.

Passing from these general observations, how easy would it have been to have examined each particular charge, by separating the bundle, and breaking it stick by stick? Particular charges.

In the case of Holman and Young, it was alleged that £1000 had been given to the Chancellor by Young. (a) Holman and Young.

(a) 22nd March.—In a suit between Hull, plaintiff, and Holman, defendant, Holman, deferring his answer, was committed to the Fleet, where he lay twenty weeks, and petitioning to be delivered, was answered by some about the Lord Chancellor, the bill shall be decreed against him *(pro confesso)*, unless he would enter into 2000*l.* bond to stand to the Lord Chancellor's order; which he refusing, his liberty cost him, one way and other, better than 1000*l.* Holman being freed out of the Fleet, Hull petitioned to the Lord Chancellor, and Holman, finding his cause to go hard on his side, complained to the Commons; whereupon the Lord Chancellor sent for him, and, to pacify him, told him, he should have what order he would himself.

From the Tract.—Mercurii, 21st Martii, 1620. Sir Robert Philips reports from the committee to examine Keeling and Churchill, who informed of many corruptions against my Lord Chancellor. 1. In the cause between Hull and Holman, Hull gave or lent my lord 1000*l.* since the suit began.

From the Journals.—March 21, 18th James. Hull and Holman. Sir R. Philips. Another case; Hull and Holman. Holman, refusing to answer, committed; there lay twenty weeks: after required to answer, and to give bond of 2,000*l.* to stand to my Lord Chancellor's order in it. That one Manby, about the Exchange, dealt in this business with Mr. Mewtys. That Holman, finding his order vary, resolved to complain to this house. That, upon Friday last, my lord sent for Hull and Holman; offered to make an indifferent end between them: and that Holman told Keeling he was a happy man now, he could have any thing from my Lord Chancellor.

To the seventh article of the charge, namely, "In the cause between Holman and Young, he received of Young 100*l.* after the decree made for him:" I confess and declare, that as I remember, a good while after the

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Upon investigation it appeared, on this charge of a discontented suitor, that instead of £1000 having been advanced, the sum was £100, which was presented on behalf of Young after the decree, either by Young or by Mr. Toby Matthew, a son of the Archbishop of York, through life an intimate friend and correspondent of the Chancellor's, and in 1623 knighted by King James. (*a*)

Worth and Mainwaring.

In the cause of Worth and Mainwaring, it was alleged that the Chancellor had been bribed by £100. Upon examination it appeared, that some months after the decree, which was for a great inheritance, the successful party presented £100. to the Chancellor. (*b*)

Hody and Hody.

In the case of Hody and Hody, the charge was, that £100. or £200. was presented to the Chancellor. The fact was that, some time after the suit was terminated,

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cause ended, I received 100*l.* either by Mr. Toby Matthew, or from Young himself: but whereas I have understood that there was some money given by Holman to my servant Hatcher, to that certainly I was never made privy.—See note G G G.

(*a*) Son of Dr. Tobie Matthew, Archbishop of York. He was born at Oxford, in 1578, while his father was Dean of Christ Church, and educated there. During his travels abroad, he was seduced to the Romish religion by Father Parsons. This occasioned his living out of his own country from the year 1607 to 1617, when he had leave to return to England. He was again ordered to leave it in October, 1618; but in 1622 was recalled to assist in the match with Spain; and, on account of his endeavours to promote it, was knighted by King James I. at Royston, on the 10th October, 1623. He translated into Italian Sir Francis Bacon's Essays, and died at Ghent in Flanders, October 13, 1655, N. S.

(*b*) To the thirteenth article of the charge, namely, "He received of Mr. Worth 100*l.* in respect of the cause between him and Sir Arthur Mainwaring," I confess and declare that this cause, being a cause for inheritance of good value, was ended by my arbitrament and consent of parties; so a decree passed of course; and some months after the cause was ended, the 100*l.* mentioned in the said article was delivered to me by my servant Hunt.—Hunt was detected by the Chancellor as having privately received 200*l.* which he made him return.

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Sir Thomas Perrot and Sir Henry Holmes presented the Chancellor with some gold buttons, worth forty guineas. (*a*)

In the case between Reynell and Peacock, the charge was, that there was much money given on both sides, and a diamond ring. The facts turned out to be that presents were given on both sides; that Sir George Reynell was a near ally of the Chancellor's, and presented the gratuity as a New Year's gift for former favours, when the great seal was first delivered to the Lord Keeper, and when presents were, as of course, presented by various persons; and that by the intervention of a friend and neighbour at St. Albans, he borrowed a sum of Peacock. (*b*) Reynell and Peacock.

In the cause of Barker and Hill, the charge was, that the Chancellor had been bribed by a present made by Barker. The fact was, that the sum was presented some time after the decree had been made. (*c*) Barker and Hill.

(*a*) See note G G G.

(*b*) I confess and declare, that at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered to me 200*l.* from Sir George Reynell, my near ally, to be bestowed upon furniture of my house, adding further that he had received divers former favours from me, and this was, as I verily think, before any suit begun. The ring was certainly received *pendente lite*, and though it were at New-year's tide, it was too great a value for a New-year's gift, though, as I take it, nothing near the value mentioned in the charge.

To the twentieth article of the charge, namely, "That he took of Peacock 100*l.* at Dorset House, at my first coming to the seal, as a present, at which time no suit was begun; and at the summer after, I sent my then servant Lister to Mr. Rolfe, my good friend and neighbour at St. Albans, to use his means with Mr. Peacock, who was accounted a moneyed man, for the borrowing of 300*l.* and after by my servant Hatcher for borrowing of 500*l.* more, which Mr. Rolfe procured; and told me at both times it should be without interest, script, or note, and that I should take my own time for payment of it.

(*c*) To the twenty-third article of the charge, namely, "In the cause of Mr. Barker, the Lord Chancellor received from Barker 700*l.*" I confess and declare, that the sum mentioned in the article was received from Mr. Barker some time after the decree past.

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Smithwick and Wyche.

In the case of Smithwick and Wyche, the charge was, that Smithwick had presented £600 to the Chancellor, but he had decided against him, and the money was repaid. The fact was, that Smithwick had paid £200 to Hunt, one of the Chancellor's servants, unknown to the Chancellor; that the decision was against Smithwick, and that the Chancellor, when he saw an entry of the sum in his servant's account, had defalced it, and ordered it to be returned. (*a*)

He might, in the same manner, have decomposed all the charges. He might have selected the fourteen cases in which the presents were made after, and many of them long after judgment had been pronounced. (*b*) He might have taken each particular case where the presents were

(*a*) In the cause between Smithwick and Wyche, the matter in question being for accompts; the merchants, to whom it was referred, certified on the behalf of Smithwick; yet Smithwick, to obtain a decree in his cause, was told by one Mr. Borough (one near the Lord Chancellor), that it must cost him 200*l.* which he paid to Mr. Borough, or Mr. Hunt, to the use of the Lord Chancellor; and yet the Lord Chancellor decreed but one part of the certificate; whereupon he treats again with Mr. Borough, who demanded another 100*l.* which Smithwick also paid, to the use of the Lord Chancellor; then his lordship referred the accompts again to the same merchants, who certified again for Smithwick: yet his lordship decreed the second part of the certificate against Smithwick, and the first part (which was formerly decreed for him) his lordship made doubtful. Smithwick petitioned to the Lord Chancellor for his money again, and had it all, save 20*l.* kept back by Hunt for a year.

To the twenty-first article of the charge, namely, "In the cause between Smithwick and Wyche, he received from Smithwick 200*l.* which was repaid:" I confess and declare, that my servant Hunt did, upon his account, being my receiver of the fines upon original writs, charge himself with 200*l.* formerly received of Smithwick; which, after that I had understood the nature of it, I ordered him to repay, and to defalke it out of his accounts.

(*b*) 1. Egerton and Egerton. 2. Hody and Hody. 3. Monk's case. 4. Trevor and Ascue. 5. Holman and Young. 6. Fisher and Wrenham. 7. Scott's case. 8. Lenthall. 9. Wroth's case. 10. Lord Montagu's. 11. Dunch's case. 12. Buswell. 13. Barker. 14. French merchants.

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before judgment, and the decrees against the donors. (*a*) He might have explained that, in some of the cases, he acted only as arbitrator; (*b*) and in others that the sums received were not gifts, but loans, and that he had decided against his creditor; (*c*) and in others that the sums offered were refused and returned. And to the twenty-eighth charge, "that the Lord Chancellor hath given way to great exactions by his servants," he surely might have admitted that he was negligent in not looking better to his servants. Standing on a cliff, and surveying the whole intellectual world, he did not see every pebble on the shore.

Some defence of this nature could not but have occurred to the Chancellor?

Fears of the King and Buckingham.

Whatever doubt may exist as to the state of his mind, there is none with respect either to the King or Buckingham. The King was disquieted, and Buckingham robbed of all peace. (*d*) This was the very state of mental fusion favourable for experiment by a shrewd politician. "It is the doctrine of philosophy that to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous." (*e*) This is not the politician's creed. (*f*)

(*a*) As Egerton, and Aubrey, and Wrenham, and, possibly, all of them, for the particulars do not appear, as they would have appeared if against the Chancellor.

(*b*) Egerton and Egerton. Wroth's case. Apothecaries and Grocers. Vintners.

(*c*) Vanlore, a bond and bill with security. Compton's case. Reynell and Peacock.

(*d*) Hackett.

(*e*) Ante.

(*f*) The politician compasses what he considers the best end, by any means. The place-hunter, like the steeple-hunter, keeps his object in view, and cares not how dirty the road by which he arrives at it.

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The King's fears, notwithstanding his pecuniary distresses, disposed him to dissolve the parliament, to which he had been advised,(a) though by this measure he should lose his two subsidies. Williams dissuaded him from such an expedient. "There is," he said, "no colour to quarrel at this general assembly of the kingdom, for tracing delinquents to their form: it is their proper work, and your majesty hath nobly encouraged them to it. Your lordship," he said, turning to Buckingham, "is jealous, if the parliament continue embodied, of your own safety. Follow it, swim with the tide: trust me and your other servants that have some credit with the most active members, to keep you clear from the strife of tongues; but if you break up this parliament, in pursuit of justice, only to save some cormorants who have devoured that which they must disgorge, you will pluck up a sluice which will overwhelm you all."

Advice of Williams.

The King listened to the advice of Williams; and his determination not to dissolve the parliament was followed, of course, by the consideration how the charges were to be met, by resistance or by submission.

There cannot be any difficulty in following the train of Williams's reasoning in this conclave. "Resistance will be

(a) The obnoxious that were brought to the ear of justice, with a multitude that feared to be in as ill condition, saw no way for safety but to poison the King with an ill opinion of the parliament, that it might evaporate into a nullity. They terrify the lord marquis that the grants of these things which are now bastardized by the knights and burgesses, nay, by the lords that envy him, were begotten by his favour and credit. That the arrow of vengeance, which is shot at his brother, grazed him. That it was time to look about him; for at the opening of that session it was much noted, that the King had said before all the members, Spare none where you find just cause to punish. That it were less danger for the King to gather such a sum or greater by his prerogative, though it be out of the way, than to wait for the exhibition of a little money, which will cost dishonour, and the ruin of his most loyal and faithful servants.—Hacket, p. 49.

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attended with danger to your lordship and to his majesty. These popular outcries thrive by opposition, and when they cease to be opposed, they cease to exist. The Chancellor has been accused. He cannot escape unheard. He must be acquitted or convicted. He cannot, in this time of excitement and prejudgment, expect justice. His mind will easily be impressed by the fate of other great men, sacrifices to the blind ignorance of a vulgar populace, whom talent will not propitiate or innocence appease. Can it be doubted, that the prudent course will be the Chancellor's submission, as an atonement for all who are under popular suspicion. The only difficulty will be to prevail upon him to submit. He has resolved to defend himself, and in speech he is all powerful; but he is of a yielding nature, a lover of letters, in mind contemplative, although in life active; his love of retirement may be wrought upon; the King can remit any fine, and, the means once secured to him of learned leisure for the few remaining years of his life, he will easily be induced to quit the paradise of earthly honours."

So spake the prelate, and the voice that promised present immunity to the King and his humbled favourite, seemed to them the voice of an angel; but the remedies of a state empiric, like those of all empirics, are only immediate relief; "they help at a pang, but soon leese their operation." (*a*)

The King fatally resolved upon this concession, (*b*) and Bacon's remarkable prediction fell upon him and his suc-

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(*a*) See ante, p. xlvi.

(*b*) The giving them over to the power of the parliament not only weakened his own prerogative, but put the House of Commons upon such a pin, that they would let no parliament pass (for the times to come) without some such sacrifice. And so fell Bacon, Lord Chancellor of England, Lord Verulam, and Viscount of St. Albans.—Heylin.

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cessor, "They who will strike at your chancellor will strike at your crown."(*a*)

There was not any suggestion by Williams that the Chancellor could not have anticipated, except the monstrous fact that the King and Buckingham were consenting to his downfall. Once convinced that his weak and cowardly master was not only willing but anxious to interpose him between an enraged people and his culpable favourite, his line of conduct became evident: he was as much bound to the stake as if already chained there; and, when the fate of Essex and of Somerset recurred to him, he must have felt how little dependence could be placed upon court favour, and how certain was the utter ruin of a man who attempts to oppose a despotic prince. He might well say, "he was become clay in the King's hand."(*b*) He who is robbed of all that constitutes a man, freedom of thought and action, which is the breath of his nostrils, becomes nothing but a lifeless statue.

Interview with the King.

Before the 16th of April the King sent for the Chancellor, who instantly prepared minutes for their conference,(*c*) in

(*a*) See postea, account by Bushel.

(*b*) See postea, p. cccxlvi.

(*c*) Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

That howsoever it goeth with me, I think myself infinitely bound to his majesty for admitting me to touch the hem of his garment; and that, according to my faith, so be it unto me. That I ought also humbly to thank his majesty for that, in that excellent speech of his, which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages which I do construe to my advantage.

And lastly, that I have heard from my friends, that notwithstanding these waves of information, his majesty mentions my name with grace and favour.

In the next place, I am to make an oblation of myself into his majesty's

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which he says, "The law of nature teaches me to speak in my own defence. With respect to this charge of bribery, I am as innocent as any born upon St. Innocent's day: I

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hands, that, as I wrote to him, I am as clay in his hands, his majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction, knowing that his heart is inscrutable for good. Only I may express myself thus far, that my desire is, that the thread, or line, or my life, may be no longer than the thread or line of my service: I mean that I may be of use to your majesty in one kind or other.

Now for any further speech, I would humbly pray his majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your majesty will understand it to be in such sort, as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune.

For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves or subterfuges.

There be three degrees or cases, as I conceive, of gifts and rewards given to a judge.

The first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought when I pronounced any sentence or order.

The second is a neglect in the judge to inform himself whether the cause be fully at an end, or no, what time he receives the gift; but takes it upon the credit of the party that all is done, or otherwise omits to inquire.

And the third is, when it is received *sine fraude*, after the cause ended, which it seems by the opinion of the civilians is no offence. Look into the case of simony, &c.

Draught of another paper to the same purpose.

There be three degrees or cases of bribery charged or supposed in a judge.

The first, of bargain or contract, for reward to pervert justice.

The second, where the judge conceives the cause to be at an end, by the information of the party, or otherwise, and useth not such diligence as he ought to inquire of it. And the third, when the case is really ended, and it is *sine fraude*, without relation to any precedent promise.

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never had bribe or reward in my eye or thought when pronouncing sentence or order. If, however, it is absolutely necessary, the King's will shall be obeyed. I am ready to make an oblation of myself to the King, in whose hands I am as clay, to be made a vessel of honour or dishonour."

That an interview between the King and Bacon took place is clear, from the following entry in the journals of the House of Lords of April 17:

"The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his majesty, that he might see his majesty and speak

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Now if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocent's day in my heart. For the second, I doubt in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent; once for the fact, and again for the error. For I had rather be a briber than a defender of bribes.

I must likewise confess to your majesty, that at New-year's tides, and likewise at my first coming in (which was, as it were my wedding), I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me yea or no. And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summorum* with me is, that I may not be made altogether unprofitable to do your majesty's service or honour. If your majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivré* to hear the rest. And, to tell your majesty what my thoughts run upon, I think of writing a story of England, and of recompiling of your laws into a better digest.

But to conclude, I most humbly pray your majesty's directions and advice. For as your majesty hath used to give me the attribute of care of your business, so I must now cast the care of myself upon God and you.

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with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house, his majesty would not on the sudden grant it.

"That, on Sunday last, the King calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships' advice therein.

"The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

"That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who passed so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and clear to those things objected against him, his lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

"Unto all which his majesty's answer was, he referred him to the lords of this house, and therefore his majesty willed his lordship to make report to their lordships.

"It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thank-

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fully acknowledge his majesty's favour, and hold themselves highly bound unto his majesty for the same."

At this interview the King, who had determined to sacrifice the "oracle of his counsel rather than the favourite of his affection," gave him his advice, as it was termed, "that he should submit himself to the House of Peers, and that upon his princely word he would then restore him again, if they in their honours should not be sensible of his merits." (*a*)

How little this command accorded with the Chancellor's intention to defend himself, may be gathered from his distress and passionate remonstrance. "I see my approaching ruin: there is no hope of mercy in a multitude, if I do not plead for myself, when my enemies are to give fire. Those who strike at your chancellor will strike at your crown." All remonstrance proving fruitless, he took leave of the King with these memorable words: "I am the first; I wish I may be the last sacrifice." (*a*)

April 17, 1621. The parts were now cast, and the last act of the drama alone remained to be performed.

Meeting of parliament. On the 17th of April the house met, when some account of the King's interview with the Chancellor was narrated by the Lord Treasurer, and ordered to be entered upon the journals of the house; and, a rumour having been circulated that Buckingham had sent his brother abroad to escape inquiry, he protested unto the lords, "that whereas the opinion of the world is, that his lordship had sent his brother, Sir Edward Villiers abroad in the King's service, of purpose to avoid his trial touching some grievances complained of by the Commons, his lordship was so far from that, that his lordship did hasten his coming home; (*b*) and, if any thing blame-worthy can be objected against

(*a*) See postea, account by Bushel. (*b*) Ante, p. cccxi.

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him, his lordship is as ready to censure him as he was Mompesson."

It was then moved by the Earl of Arundel, that the three several committees do make their report to-morrow morning of the examinations by them taken touching the Lord Chancellor.

On the 20th the Chancellor wrote to the King, to thank him for the goodness manifested in his access on the 16th, and expressing an assured hope, that as the King imitated Christ by not breaking the broken reed, or quenching the smoking flax, so would the lords of the upper house in grace and mercy imitate their royal master:(*a*) and on the 22nd of April he addressed a letter to the House of Lords, which had, of course, been submitted to Buckingham and the King, and was in due time communicated to their lordships by the Prince of Wales. April 20.

In that letter, which can be understood only by those who are in possession of the facts now stated, he consented to desert his defence; and that word used by a man so

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(*a*) The following is the letter:

"To the King.

"It may please your most excellent Majesty,—I think myself infinitely bounden to your majesty for vouchsafing me access to your royal person, and to touch the hem of your garment. I see your majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your majesty imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majesty's grace and mercy, and next to my lords I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge, which when I shall receive, I shall without fig-leaves or disguise excuse what I can excuse, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majesty's grace, I rest."

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rich in language, so felicitous in every shade of expression, fully discloses what was passing in his mind. He praised the King, chiefly for his mercy, recommended him as an example to the lords, and reminded the prelates that they were the servants of Christ. He concluded his address by intimating what he hoped would be the measure of his punishment, but not till he had related some passages, from ancient history, in his usual manner, and considered the case and its results to society with a degree of philosophical calmness, which could not possibly contemplate the ruin that ensued, or any punishment beyond the loss of his office.

April 24, 1621. King's speech.

On the morning of the 24th the King addressed the house in a speech, which shewed his disposition to meet the wishes of the people by admitting, "that as many complaints are already made against courts of judicature, which are in examination, and are to be proceeded upon by the lords, his majesty will add some, which he thinks fit to be also complained of and redressed, viz. That no orders be made but in public court, and not in chambers; that excessive fees be taken away; that no bribery nor money be given for the hearing of any cause. These and many other things his majesty thought fit to be done this session. And his majesty added, that when he hath done this, and all that he can do for the good of his subjects, he confesseth he hath done but the duty whereunto he was born."—The house then adjourned till the afternoon.

In the afternoon the Prince of Wales "signified unto the lords that the Lord Chancellor had sent the following submission to their lordships:

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" To the Right Honourable the Lords of Parliament, in the Upper House assembled. Letter to Lords.

" The humble Submission and Supplication of the Lord Chancellor.

" It may please your Lordships,—I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write. For words that come from wasted spirits and an oppressed mind are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

" This being moved, and, as I hope, obtained, in the nature of a protection to all that I shall say, I shall now make into the rest of that wherewith I shall at this time trouble your lordships a very strange entrance. For, in the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

" The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness, which (in few words) is the beginning of a golden world. The next, that, after this example, it is like that judges will fly from any thing that is in the likeness of corruption (though it were at a great distance) as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour. And in these two points, God is my witness, that, though it be my fortune to be the anvil upon which these good effects are beaten and wrought, I take no small comfort.

" But, to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges, under God and his lieutenant, I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only

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justification instead of all other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job, in these words: 'I have not hid my sin as did Adam, nor concealed my faults in my bosom.' This is the only justification which I will use.

"It resteth, therefore, that without fig-leaves I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full both to move me to desert the defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling those particulars, which I think may fall off,

Quid te exempta juvat spinis de pluribus una?

Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses; neither will I represent unto your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of your own noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

"And now that I have spoken to your lordships as judges, I shall say a few words to you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

"Your lordships are not simple judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if your lordships be not tied

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by the ordinary course of courts or precedents, in points of strictness and severity, much more in points of mercy and mitigation.

"And yet, if any thing which I shall move might be contrary to your honourable and worthy ends to introduce a reformation, I should not seek it. But herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general; not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, by the intercession of some principal persons of the senate, was spared; whereupon Livy maketh this grave and gracious observation: *Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.* The discipline of war was no less established by the questioning of Quintus Maximus than by the punishment of Titus Manlius: and the same reason is of the reformation of justice; for the questioning of men of eminent place hath the same terror, though not the same rigour with the punishment.

"But my case standeth not there. For my humble desire is, that his majesty would take the seal into his hands, which is a great downfall; and may serve, I hope, in itself for an expiation of my faults. Therefore, if mercy and mitigation be in your power, and do no ways cross your ends, why should I not hope of your lordships' favour and commiseration?

"Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your lordships will remember that there sat not these hundred years before a prince in your house, and never such a prince whose presence deserveth to be made

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memorable by records and acts mixed of mercy and justice; yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of Him that would not break the bruised reed, nor quench smoking flax. You all sit upon one high stage; and therefore cannot but be more sensible of the changes of the world, and of the fall of any of high place. Neither will your lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power of the pool of Bethesda; for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

"Lastly, I assure myself your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightening before the death of them, but rather a spark of that grace, which now in the conclusion will more appear.

"And therefore my humble suit to your lordships is, that my penitent submission may be my sentence, and the loss of the seal my punishment; and that your lordships will spare any further sentence, but recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be amongst you. Your Lordships' humble servant and suppliant, FR. ST. ALBAN, Canc."

April 22, 1621.

Although the King and Buckingham hoped that this general submission would be satisfactory, the agitation was too great to be thus easily quieted. It was, after deliberation, resolved that the Lord Chancellor's submission gave not satisfaction to their lordships, for that his lordship's

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confession therein was not fully nor particularly set down, and for many other exceptions against the submission itself, the same in sort extenuating his confession, and his lordship seeming to prescribe the sentence to be given against him by the house.

Their lordships resolved, that the Lord Chancellor should be charged particularly with the briberies and corruptions complained of against him, and that his lordship should make a particular answer thereunto. It was, therefore, ordered that the particulars of the charge be sent to the Lord Chancellor, and that the lords do expect his answer to the same with all convenient expedition. They were sent accordingly. (*a*)

(*a*) They are subjoined. They are twenty-three in number, expanded by the Chancellor to twenty-eight.

1. In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor.

He received from Edward Egerton, in the said cause, four hundred pounds; proved by the depositions of Sir Richard Young, knight, Sir George Hastings, knight, Rolphe Merefeild, and Tristram Woodward.

2. In the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, a fortnight after the cause was ended; proved by the depositions of Sir Thomas Perient, knight, and John Churchill, who speaks of a greater value, by the report of Hody.

3. In the cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady

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This fatal result was instantly communicated to the Chancellor by his faithful attendant, Bushel. (*a*) He proceeded, therefore, to a minute answer to each particular

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Wharton three hundred and ten pounds; proved by the depositions of the Lady Wharton, Richard Keeling, and Anthony Gardiner.

4. In Sir Thomas Muncke's cause, he received from Sir Thomas, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit; proved by the deposition of Sir Henry Helmes.

5. In the cause between Sir John Trevor and Ascue, he received, on the part of Sir John Trevor, an hundred pounds, proved by the depositions of Richard Keeling.

6. In the cause between Holman and Young, he received of Young an hundred pounds, after the decree made for him; proved by the depositions of Richard Keeling.

7. In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by the advice of Mr. Shute; proved by the deposition of Sir Edward Fisher.

8. In the cause between Kennedey and Vanlore, he received from Kennedey a rich cabinet, valued at eight hundred pounds; proved by the deposition of James Kennedey.

9. He borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man; proved by the depositions of Peter Vanlore.

10. He received of Richard Scott two hundred pounds after his cause was ended; but, upon a precedent promise, all which was transacted by Mr. Shute; proved by the deposition of Richard Scott.

(*a*) See postea, account by Bushel.

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charge, which he so framed that future ages might see the times when the presents were made, and the persons by whom they were offered.

He received, in the same cause, on Sir John Lenthall's part, a hundred pounds; proved by the deposition Edward Shereborne.

11. He received of Mr. Wroth a hundred pounds, in respect of the cause between him and Sir Arthur Mainewaring; proved by the depositions of John Churchill and John Hunt.

12. He received of Sir Ralph Hansby, having a cause depending before him, five hundred pounds; proved by the depositions of Sir Ralph Hansby.

13. William Compton, being to have an extent for a debt of twelve hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day; the Lord Chancellor hereupon sends to borrow five hundred pounds; and, because Compton was to pay to one Huxley four hundred pounds, his lordship requires Huxley to forbear it for six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, where it was in his own hands; proved by the depositions of William Compton.

14. In the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds; proved by the depositions of Christopher Awbrey, Sir George Hastings, and the letters to the Lord Chancellor from Awbrey.

15. In the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds, and more was to be paid at the ending of the cause; proved by the depositions of Bevis Thelwall.

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April 30. On the 30th of April, the Lord Chief Justice signified that he had received from the Lord Chancellor a paper roll,

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16. In the cause of Mr. Dunch, he received from Mr. Dunch two hundred pounds; proved by the depositions of Bevis Thelwall.

17. In the cause between Reynell and Peacock, the Lord Chancellor received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds; proved by the depositions of John Hunt and Sir George Reynell.

He took of Peacock an hundred pounds, and borrowed a thousand pounds, without security, interest, or time of re-payment; proved by the depositions of William Peacock and James Rolf.

18. In the cause between Smithwick and Wych, he received from Smithwick two hundred pounds, which was repaid; proved by the depositions of John Hunt.

19. In the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much; proved by the depositions of John Hunt.

20. In the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds; proved by the depositions of Robert Barker and Edward Shereburne.

21. There being a reference from his majesty to his lordship of a business between the Grocers and Apothecaries of London, he received of the Grocers two hundred pounds; proved by the depositions of Sir Thomas Midleton, Alderman Johnson, and John Bunbury.

He received in the same cause of the Apothecaries, that stood with the Grocers, a taster of gold, worth between forty or fifty pounds, together with a present of ambergrease; proved by the depositions of Sir Thomas Midleton and Samuel Jones.

He received of the new company of Apothecaries, that stood against the Grocers, an hundred pounds; proved by the depositions of John Kellet and Gabriel Sheriff.

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sealed up, which was delivered to the clerk; and being opened, and found directed to their lordships, it was read:

"To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled.

"The Confession and Humble Submission of me, the Lord Chancellor.

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defence, and put myself upon the grace and mercy of your lordships.

"The particulars I confess and declare to be as followeth:

"1. To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do

Egerton and Egerton.

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22. He took of the French merchants a thousand pounds to constrain the Vintners of London to take from them fifteen hundred tuns of wine; proved by the depositions of Robert Bell, William Spright, and Richard Peacock. To accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the Vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need nor use, at higher rates than they were vendible; proved by the depositions of John Child, Henry Ashton, Thomas Haselfote, Raphe Moore, Thomas Knight, and his own letters and orders.

23. The Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and likewise for sealing of injunctions, and otherwise; proved by the depositions of Thomas Manwood and Richard Keeling.

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confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made which is mentioned in the article.

" 2. To the second article of the charge, viz. in the same cause he received from Edward Egerton four hundred pounds: I confess and declare, that, soon after my first coming to the seal (being a time when I was presented by many), the four hundred pounds mentioned in the charge was delivered unto me in a purse, and I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect to favours to come.

Hody and Hody.

" 3. To the third article of the charge, viz. in the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, about a fortnight after the cause was ended: I confess and declare, that, as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance), there were gold buttons about the value of fifty pounds, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

Wharton and Willoughby.

" 4. To the fourth article of the charge, viz. in the cause between the Lady Wharton and the co-heirs of Sir Francis

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Willoughby, he received of the Lady Wharton three hundred and ten pounds: I confess and declare, that I received of the Lady Wharton, at two several times (as I remember) in gold, two hundred pounds and an hundred pieces, and this was certainly *pendente lite;* but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register, in entering some orders, which afterwards I did distaste.

" 5. To the fifth article of the charge, viz. in Sir Thomas Monk's cause, he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit was ended: I confess it to be true, that I received an hundred pieces; but it was long after the suit ended, as is contained in the charge. Monk.

" 6. To the sixth article of the charge, viz. in the cause between Sir John Treavor and Ascue, he received, on the part of Sir John Treavor, an hundred pounds: I confess and declare, that I received at New Year's-tide an hundred pounds from Sir John Treavor; and because it came as a New Year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite.* Treavor and Ascue.

" 7. To the seventh article of the charge, viz. in the cause between Holman and Young, he received of Young an hundred pounds, after the decree made for him: I confess and declare, that, as I remember, a good while after the cause ended, I received an hundred pounds, either by Mr. Tobie Matthew, or from Young himself; but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy. Holman and Young.

" 8. To the eighth article of the charge, viz. in the cause

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Fisher and Wrenham.

between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute: I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others that were no way suitors did present me the like about that time.

Kennedey and Vanlore.

"9. To the ninth article of the charge, viz. in the cause between Kennedey and Vanlore, he received a rich cabinet from Kennedey, prized at eight hundred pounds: I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not; and some year and an half after, as I remember, Sir John Kennedey having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney, that it might be delivered to him, for that he stood engaged for the money that Sir John Kennedey paid for it. And thereupon Sir John Kennedey wrote a letter to my servant Shereborne with his own hand, desiring that I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand; and so it remains yet ready to be returned to whom your lordships shall appoint.

"10. To the tenth article of the charge, viz. he borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man: I confess and declare, that I borrowed the money in the article set down, and that this is a true debt. And I remember well that I

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wrote a letter from Kew, above a twelvemonth since, to a friend about the King, wherein I desired that, whereas I owed Peter Vanlore two thousand pounds, his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

"11. To the eleventh article of the charge, viz. he received of Richard Scott two hundred pounds, after his cause was decreed (but upon a precedent promise), all which was transacted by Mr. Shute: I confess and declare, that some fortnight after, as I remember that the decree passed, I received two hundred pounds, as from Mr. Scott, by Mr. Shute; but, for any precedent promise or transaction by Mr. Shute, certain I am I knew of none. Scott.

"12. To the twelfth article of the charge, viz. he received in the same cause, on the part of Sir John Lentall, an hundred pounds: I confess and declare, that some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre. Lentall.

"13. To the thirteenth article of the charge, viz. he received of Mr. Wroth an hundred pounds, in respect of the cause between him and Sir Arthur Maynewaringe: I confess and declare, that this cause, being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some month after the cause thus ended, the hundred pounds mentioned in the article was delivered to me by my servant Hunt. Wroth and Waynewaringe.

"14. To the fourteenth article of the charge, viz. he received of Sir Raphe Hansby, having a cause depending before him, five hundred pounds: I confess and declare, that there were two decrees, one, as I remember, for the Hansby.

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inheritance, and the other for goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds were delivered me by Mr. Tobie Matthew, so as I cannot deny but it was upon the matter, *pendente lite.*

Compton. "15. To the fifteenth article of the charge, viz. William Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands: I declare, that in my conscience, the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to intreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and, therefore, though I were not ready to pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But, if Compton hath been damnified in my respect, I am to consider it to Compton.

Awbrey. "16. To the sixteenth article of the charge, viz. in the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds: I do confess and declare, that the money was

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given and received; but the manner of it I leave to the witnesses.

" 17. To the seventeenth article of the charge, viz. in the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause: I confess and declare, there was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed; but I cannot say it was ended, for there have been many orders since, caused by Sir Frauncis Englefeild's contempts; and I do remember that, when Thelwall brought the money, he said, that my lord would be further thankful if he could once get his quiet; to which speech I gave little regard. Mountague.

" 18. To the eighteenth article of the charge, viz. in the cause of Mr. Dunch, he received of Mr. Dunch two hundred pounds: I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time. Dunch.

" 19. To the nineteenth article of the charge, viz. in the cause between Reynell and Peacock, he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds: I confess and declare, that, at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds, from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly *pendente lite;* and, though it were at New year's-tide, yet it was too great a value for a New year's gift, though, as I take it, nothing near the value mentioned in the article. Reynell and Peacock.

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"20. To the twentieth article of the charge, viz. he took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment: I confess and declare, that I received of Mr. Peacock an hundred pounds at Dorset House, at my first coming to the seal, as a present; at which time no suit was begun; and that, the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour, at St. Albans, to use his means with Mr. Peacock (who was accounted a monied man), for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more, which Mr. Rolf procured, and told me, at both times, that it should be without interest, script, or note; and that I should take my own time for payment of it.

Smithwick and Wyche. "21. To the one and twentieth article of the charge, viz. in the cause between Smithwick and Wyche, he received from Smithwick two hundred pounds, which was repaid: I confess and declare, that my servant Hunt did, upon his accompt, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick, which after that I had understood the nature of it, I ordered him to repay it, and to defaulk it of his accompt.

Russwell. "22. To the two and twentieth article of the charge, viz. in the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much: I confess and declare, that I received money from my servant Hunt, as from Mr. Russwell, in a purse; and, whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed, in which decree I was assisted by two of the judges.

Barker. "23. To the three and twentieth article of the charge,

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viz. in the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds: I confess and declare, that the money mentioned in the article was received from Mr. Barker, some time after the decree passed.

"24. To the four and twentieth article, five and twentieth, and six and twentieth articles of the charge, viz. the four and twentieth, there being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers two hundred pounds. The five and twentieth article: in the same cause, he received of the Apothecaries that stood with the Grocers, a taster of gold, worth between forty and fifty pounds, and a present of ambergrease. And the six and twentieth article: he received of the New Company of the Apothecaries that stood against the Grocers, an hundred pounds: To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord, or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to accompt to the three several companies. Apothecaries and Grocers.

"27. To the seven and twentieth article of the charge, viz. he took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tons of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need or use, at higher Vintners.

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rates than they were vendible: I do confess and declare, that Sir Thomas Smith did deal with me in the behalf of the French company; informing me, that the vintners, by combination, would not take off their wines at any reasonable prices. That it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travel in it; whereupon I treated between them, by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers six pounds a ton, as it was then maintained to me; and after, the merchants petitioning to the King, and his majesty recommending the business unto me, as a business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messengers' hands for a day or two some that were the more stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

Servants. "28. To the eight and twentieth article of the charge, viz. the Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions: I confess, it was a great fault of neglect in me, that I looked no better to my servants.

"This declaration I have made to your lordships with a sincere mind; humbly craving, that if there should be any mistaking, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth,

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or palliate any thing: for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

"For extenuation, I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the apostle saith, that covetousness is the root of all evil. I hope also, that your lordships do the rather find me in the state of grace; for that, in all these particulars, there are few or none that are not almost two years old, whereas those that have an habit of corruption do commonly wax worse and worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

"And so, fearing I have troubled your lordships too long, I shall conclude with an humble suit unto you, that if your lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixed with mercy; and not only so, but that you would be noble intercessors for me to his majesty likewise, for his grace and favour. Your Lordships' humble servant and suppliant,

"Fr. St. Alban, Canc."

This confession and submission being read, it was agreed that certain lords (*a*) do go unto the Lord Chancellor, and

(*a*) L. Chamberlain, E. of Arundel, E. of Southampton, L. Bp. of Durham, L. Bp. of Winton, L. Bp. of Co. and Lich., L. Wentworth, L. Cromwell, L. Sheffeild, L. North, L. Chandois, and L. Hunsdon.

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shew him the said confession; and tell him, that the lords do conceive it to be an ingenuous and full confession, and demand whether it be his own hand that is subscribed to the same; and their lordships being returned, reported, that the Lord Chancellor said, "It is my act, my hand, my heart. I beseech your lordships, be merciful unto a broken reed."

May 2. On the 2nd of May, the seals having been sequestered, the house resolved to proceed to judgment on the next day. (*a*)

Letter to the King. In this interval, on the evening of the 2nd of May, the Chancellor wrote to the King, "to save him from the sentence, to let the cup pass from him; for if it is reformation that is sought, taking the seals will, with the general submission, be sufficient atonement." (*b*)

(*a*) Agreed to proceed to sentence the Lord Chancellor to-morrow morning; wherefore the gentleman usher and the serjeant at arms, attendants on this house, were commanded to go and summon him the Lord Chancellor to appear here in person to-morrow morning, by nine of the clock; and the serjeant was commanded to take his mace with him, and to shew it unto his lordship at the said summons. They found him sick in bed; and being summoned, he answered that he was sick, and protested that he feigned not this for any excuse; for if he had been well, he would willingly have come. The Lords resolved to proceed notwithstanding against the said Lord Chancellor; and therefore, on Thursday, the third of May, their lordships sent their message unto the Commons to this purpose.

(*b*) The following is the letter:

It may please your Majesty,—It hath pleased God for these three days past, to visit me with such extremity of headach upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation; and then the little physic that I have told me that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever or sudden death; which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care

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These his last hopes were vain: the King did not, he could not interpose.

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of my business, and therein prostrate myself again, by my letter at your majesty's feet.

Your majesty can bear me witness, that at my last so comfortable access, I did not so much as move your majesty by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the house. And according to my desire, your majesty left it to the sentence of the house by my Lord Treasurer's report.

But now if not *per omnipotentiam*, as the divines say, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the house, and that cup may pass from me, it is the utmost of my desires. This I move with the more belief, because I assure myself, that if it be reformation that is sought, the very taking away of the seal, upon my general submission, will be as much in example, for these four hundred years, as any further severity.

The means of this I most humbly leave unto your majesty, but surely I should conceive, that your majesty opening yourself in this kind to the Lords, Counsellors, and a motion of the Prince, after my submission, and my Lord Marquis using his interest with his friends in the house, may affect the sparing of the sentence: I making my humble suit to the house for that purpose, joined with the delivery up of the seal into your majesty's hands. This is my last suit that I shall make to your majesty in this business, prostrating myself at your mercy-seat, after fifteen years' service, wherein I have served your majesty in my poor endeavours, with an entire heart. And, as I presume to say unto your majesty, am still a virgin, for matters that concern your person or crown, and now only craving that after eight steps of honour, I be not precipitated altogether.

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May 3. Sentence. On the 3rd of May the Lords adjudged, "that, upon his own confession, they had found him guilty: and therefore that he shall undergo fine and ransom of forty thousand pounds; be imprisoned in the Tower during the King's pleasure; be for ever incapable of any office, place, or employment in the state or commonwealth; and shall never sit in parliament, nor come within the verge of the court."

Thus fell from the height of worldly prosperity Francis Lord Chancellor of Great Britain.

His silence. The cause of his having deserted his defence he never revealed. He patiently endured the agony of uncommunicated grief. (*a*) He confidently relied upon the justice of future ages. There are, however, passages in his writings where his deep feeling of the injury appear.

In his Advancement of Learning we are admonished that, "Words best disclose our minds when we are agitated,

Vino tortus et ira;

for, as Proteus never changed shapes till he was straitened and held fast with cords, so our nature appears most fully in trials and vexations." (*b*)

But because he that hath taken bribes is apt to give bribes, I will go further, and present your majesty with bribe; for if your majesty give me peace and leisure, and God give me life, I will present you with a good History of England, and a better Digest of your Laws. And so concluding with my prayers, I rest

Clay in your Majesty's hands,

May 2, 1621. FR. ST. ALBAN.

(*a*) See Essay on Friendship, vol. i.

(*b*) The following is the passage:—"As for words, though they be, like waters to physicians, full or flattery and uncertainty, yet they are not to be despised, specially with the advantage of passion and affection. For so we

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By observing his words in moments of agitation the state of his mind is manifest.

When imprisoned in the Tower, he instantly wrote to Buckingham, saying, "However I have acknowledged that the sentence is just, and for reformation sake fit, I have been a trusty and honest, and Christ-loving friend to your lordship, and the justest chancellor that hath been in the five changes since my father's time." (*b*) Letter from the Tower.

In another letter, "God is my witness that, when I examine myself, I find all well, and that I have approved myself to your lordship a true friend both in the watery trial of prosperity and in the fiery trial of adversity:" (*c*) "I hope his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity." (*d*)

"For the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times," was his expression in the midst of his agony. (*e*) Letter to the King.

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see Tiberius, upon a stinging and incensing speech of Agrippina, came a step forth of his dissimulation, when he said, 'You are hurt, because you do not reign;' of which Tacitus saith, 'Audita hæc raram occulti pectoris vocem elicuere, correptamque Græco versu admonuit: ideo lædi, quia non regnaret.' And therefore the poet doth elegantly call passions, tortures, that urge men to confess their secrets:

'Vino tortus et ira.'

And experience sheweth, there are few men so true to themselves, and so settled, but that, sometimes upon heat, sometimes upon bravery, sometimes upon kindness, sometimes upon trouble of mind and weakness, they open themselves; specially if they be put to it with a counter-dissimulation, according to the proverb of Spoin, 'Di mentira, y sacaras verdad:' tell a lie, and find a truth."

(*b*) See postea, page cccLxxix.
(*c*) See postea, page cccLxxxiii.
(*d*) See postea, p. cccLxxxiv.
(*e*) See ante, p. cccxxxii.

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Lambeth Library.

In a collection of his letters in the Lambeth Library there is the following passage in Greek characters: Οφ μγ οφενσ, φαρ βε ιτ φρομ με το σαγ, δατ νενιαμ κορνις; νεξατ κενσυρα κολυμβασ: βυτ ι ωιλλ σαγ θατ ι ανε γοοδ ωαρραντ φορ: θεγ ωερε νοτ θε γρεατεστ οφφενδερς ιν Ισραελ υπον ωηομ θε ωαλλ φελλ. (*a*)

Will.

In his will, he says, "For my name and memory, I leave it to men's charitable speeches, to foreign nations, and the next ages."

These words, not to be read till he was at rest from his labours, were cautiously selected, (*b*) with the knowledge, which he, above all men, possessed of the power of expression, and of their certain influence, sooner or later, upon society. (*c*)

The obligation to silence, imposed upon Bacon, extended to his friends after he was in the grave.

Silence of friends.

Dr. Rawley, his first and last chaplain, says, "Some papers touching matters of estate, tread too near to the heels of truth, and to the times of the persons concerned."

Tennison.

Archbishop Tennison says, "The great cause of his suffering is to some a secret. I leave them to find it out by his words to King James: 'I wish that as I am the

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(*a*) Decyphered it is as follows: Of my offence, far be it from me to say, *dat veniam corvis; vexat censura Columbas:* but I will say that I have good warrant for: they were not the greatest offenders in Israel upon whom the wall fell.

(*b*) In a former will (see Baconiana, p. 203) there is the same wish expressed, not in such polished terms. The sentence is, "For my name and memory, I leave it to foreign nations and to mine own countrymen, after some time be passed over."

(*c*) FRANCISCUS
DE VERULAMIO
SIC COGITAVIT

is the opening of the Novum Organum.

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first, so I may be the last of sacrifices in your times:" and when, from private appetite, it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed, to make a fire to offer it with."

From these observations it may be seen, that there was a conflict in the minds of these excellent men between their inclination to speak and their duty to be silent. They did not violate this duty; but one of his most sincere and grateful admirers, who, although he had painfully, but sacredly, preserved the secret from his youth to his old age, at last thus spoke: (*a*)

"Before this could be accomplished to his own content, Bushel. there arose such complaints against his lordship, and the then favourite at court, that for some days put the King to this quere, whether he should permit the favourite of his affection, or the oracle of his council, to sink in his service; whereupon his lordship was sent for by the King, who, after some discourse, gave him this positive advice, to submit himself to his house of peers, and that, upon his princely word, he would then restore him again, if they, in their honours, should not be sensible of his merits. Now, though my lord saw his approaching ruin, and told his majesty there was little hopes of mercy in a multitude, when his enemies were to give fire, if he did not plead for himself: yet such was his obedience to him from whom he had his being, that he resolved his majesty's will should be his only law; and so took leave of him with these words: Those that will strike at your chancellor, it is much to be feared, will strike at your crown; and wished, that as he was then the first, so he might be the last of sacrifices.

(*a*) For an account of Bushel, see note G G G. At the time of Bacon's death, in 1626, he was about twenty-six years of age: he published the tract in 1659.

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"Soon after, according to his majesty's commands, he wrote a submissive letter to the house, and sent me to my Lord Windsor to know the result, which I was loth, at my return, to acquaint him with; for, alas! his sovereign's favour was not in so high a measure, but he, like the phœnix, must be sacrificed in flames of his own raising, and so perished, like Icarus, in that his lofty design: the great revenue of his office being lost, and his titles of honour saved but by the bishops' votes, whereto he replied, that he was only bound to thank his clergy.

"The thunder of which fatal sentence did much perplex my troubled thoughts as well as others, to see that famous lord, who procured his majesty to call this parliament, must be the first subject of their revengeful wrath, and that so unparalleled a master should be thus brought upon the public stage, for the foolish miscarriage of his own servants, whereof, with grief of heart, I confess myself to be one. Yet shortly after, the King dissolved the parliament, but never restored that matchless lord to his place, which made him then to wish the many years he had spent in state policy and law study had been solely devoted to true philosophy: for, said he, the one, at the best doth but comprehend man's frailty, in its greatest splendour; but the other, the mysterious knowledge of all things created in the six days' work."

Williams Lord Keeper.

On the 11th of July the great seals were delivered to Williams, who was now Lord Keeper of England and Bishop of Lincoln, with permission to retain (*a*) the deanery

(*a*) "The bishopric of Lincoln was bestowed upon him by the royal congé d'elire, the largest diocess in the land, because this new elect had the largest wisdom to superintend so great a circuit. Yet inasmuch as the revenue of it was not great, it was well preced out with a grant to hold the deanery of Westminster, into which he had shut himself fast with as strong bolts and bars as the law could make: else when the changes began to sing in the fifth year after, he had been thrust out of doors in a storm, when he

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of Westminster, and to hold the rectory of Waldegrave in commendam. (*a*)

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had most need of a covering. Yet some suitors were so importunate to compass this deanery upon his expected leaving, that he was put to it to plead hard for that *commenda* before he carried it. The King was in his progress, and the lord marquis with him, to whom he writes to present his reasons to the King, which were, that the post of the lord keeper's place, though he would strike sail more than any that preceded him, must be maintained in some convenient manner. Here he was handsomely housed, which if he quitted, he must trust to the King to provide one for him as his majesty and his predecessors have ever done to their chancellors. Here he had some supplies to his housekeeping from the college in bread, beer, and fuel, of which if he should be deprived, he must be forced to call for a diet, which would cost the King 1,600*l.* per annum, or crave for some addition in lieu thereof, out of the King's own means, as all his foregoers in that office had done. He might have added, for it was in the bottom of his breast, he was loath to stir from that seat where he had the command of such exquisite music. A request laid out in such remonstrance could not be refused by so gracious a prince who granted twenty suits to one he denied. *Magnarum largita opum, largitor honorum pronus*, which singularly fits King James, though Claudian made it for Honorius. Likewise, by the indulgence of his commenda, he reserved the rectory of Waldegrave to himself, a trifle not worthy to be remembered, but his reason is not unworthy to be detailed. That in the instability of human things, every man must look for a dissolution of his fortunes, as well as for the dissolution of his body. Anselm, Archbishop of Canterbury, kept his right to a poor cell in the monastery of Bec in Normandy, and that hospitality kept him when he fled out of England, and all the revenues of his mitre failed him: Stephen Gardiner, Bishop of Winchester, held the mastership of Trinity to his dying day, and said often, if all his palaces were blown down by iniquity, he would creep honestly into that shell. They that will not be wise by these examples I will send them to school to a fable in Plautus. *Cogitato mus pusillus quam sit sapiens bestia et ætatem qui ævi cubili nunquam committat suam, qui si unum ostium obsideatur aliud perfugium quærit.* So in the upshot he said Waldegrave was but a mousehole, yet it would be a pretty fortification to entertain him if he had no other home to resort to. Many such divinations flashed from others, who saw the hills of the robbers afar off, who have now devoured the heritage of Jacob, and say they are not guilty; and they that have sold us and bought us say, Blessed be the Lord, for we are rich."—Hacket's Life of Williams, p. 62.

(*a*) How sagacious was the bishop in these stipulations, in refusing to advance till he had secured a retreat. Buckingham afterwards boasted,

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CHAPTER IV.

FROM HIS FALL TO HIS DEATH.

1621 to 1626.

SUCH was the storm in which he was wrecked. "Methinks," says Archbishop Tennison, "they are resembled by those of Sir George Summers, who being bound by his employment to another coast, was by tempest cast upon the Bermudas: and there a shipwrecked man made full discovery of a new temperate fruitful region, where none had before inhabited; and which mariners, who had only seen as rocks, had esteemed an inaccessible and enchanted place.

This temperate region was not unforeseen by the Chancellor.

In a letter to the King, on the 20th March, 1622, he says, "In the beginning of my trouble, when in the midst of the tempest, I had a kenning of the harbour, which I hope now by your majesty's favour I am entering into: now my study is my exchange, and my pen my practice for the use of my talent."

It is scarcely possible to read a page of his works without seeing that the love of knowledge was his ruling

"that of all he had given him he would leave him nothing," a threat which he fulfilled to the letter.—Hacket's Life of Williams, part 2, p. 19. The Countess of Buckingham told the Lord Keeper that St. David's was the man that did undermine him with her son, and would underwork any man that himself might rise.

In two years of King Charles's reign Buckingham pulled down Williams, Lee, Conway, Suckling, Crew, and Walter.

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passion; that his real happiness consisted in intellectual delight. How beautifully does he state this when enumerating the blessings attendant upon the pursuit and possession of knowledge:

"The pleasure and delight of knowledge and learning far surpasseth all other in nature: for, shall the pleasures of the affections so exceed the senses, as much as the obtaining of desire or victory exceedeth a song or a dinner; and must not, of consequence, the pleasures of the intellect or understanding exceed the pleasures of the affections? We see in all other pleasures there is satiety, and after they be used their verdure departeth, which sheweth well they be but deceits of pleasure, and not pleasures; and that it was the novelty which pleased, and not the quality; and therefore we see that voluptuous men turn friars, and ambitious princes turn melancholy; but of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable; (*a*) and therefore appeareth to be good in itself simply, without fallacy or accident. Neither is that pleasure of small efficacy and contentment to the mind of man, which the poet Lucretius describeth elegantly,

Suave mari magno, turbantibus æquora ventis, &c.

'It is a view of delight, to stand or walk upon the shore side, and to see a ship tossed with tempest upon the sea; or to be in a fortified tower, and to see two battles join upon a plain; but it is a pleasure incomparable for the mind of man to be settled, landed, and fortified in the certainty of truth; and from thence to decry and behold the errors, perturbations, labours, and wanderings up and down of other men.'" (*b*)

(*a*) "Heaven and earth pass away, but my words do not pass away."

(*b*) Advancement of Learning.

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Happy would it have been for himself and society, if following his own nature, he had passed his life in the calm but obscure regions of philosophy.

He now, however, had escaped from worldly turmoils, and was enabled, as he wrote to the King, to gratify his desire "to do, for the little time God shall send me life, like the merchants of London, which, when they give over trade, lay out their money upon land: so, being freed from civil business, I lay forth my poor talent upon those things, which may be perpetual, still having relation to do you honour with those powers I have left."

In a letter to Buckingham, on the 20th of March, 1621, he says, "I find that, building upon your lordship's noble nature and friendship, I have built upon the rock, where neither winds nor waves can cause overthrow:" and, in the conclusion of the same year,(*a*) "I am much fallen in love with a private life, but yet I shall so spend my time, as shall not decay my abilities for use."

And in a letter to the Bishop of Winchester,(*b*) in which, after having considered the conduct in their banishments, of Demosthenes, Cicero, and Seneca, he proceeds thus: "These examples confirmed me much in a resolution, whereunto I was otherwise inclined, to spend my time wholly in writing, and to put forth that poor talent, or half talent, or what it is that God hath given me, not as heretofore to particular exchanges, but to banks or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my Instauration, which is the work that in mine own judgment, *si nunquam fallit imago*, I may most esteem, I think to proceed in some new parts thereof; and although I have received from many parts beyond the seas testimonies touching that

(*a*) Sept. 5, 1621. (*b*) See vol. vii. p. 113.

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work, such as beyond which I could not expect at the first in so abstruse an argument, yet, nevertheless, I have just cause to doubt that it flies too high over men's heads. I have a purpose, therefore, though I break the order of time, to draw it down to the sense by some patterns of a natural story and inquisition. And again, for that my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old, for taste's sake, I have thought good to procure a translation of that book into the general language, not without great and ample additions and enrichment thereof, especially in the second book, which handleth the partition of sciences, in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part.

"Again, because I cannot altogether desert the civil person that I have born, which if I should forget, enough would remember. I have also entered into a work touching laws, propounding a character of justice in a middle term, between the speculative and reverend discourses of philosophers and the writings of lawyers, which are tied, and obnoxious to their particular laws; and although it be true that I had a purpose to make a particular digest, or recompilement of the laws of mine own nation, yet because it is a work of assistance, and that I cannot master by my own forces and pen, I have laid it aside. Now having in the work of my Instauration had in contemplation the general good of men in their very being, and the dowries of nature; and in my work of laws, the general good of men likewise in society, and the dowries of government: I thought in duty I owed somewhat to my country, which I ever loved; insomuch, as although my place hath been far

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above my desert, yet my thoughts and cares concerning the good thereof were beyond and over and above my place: so now, being as I am, no more able to do my country service, it remained unto me to do it honour; which I have endeavoured to do in my work of the reign of King Henry VII. As for my essays, and some other particulars of that nature, I count them but as the recreation of my other studies, and in that sort I purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement, perhaps, yield more lustre and reputation to my name than those other which I have in hand. But I account the use that a man should seek of the publishing his own writings before his death to be but an untimely anticipation of that which is proper to follow a man, and not to go along with him."

Imprisonment of Bacon.

The sentence now remained to be executed. On the last day of May, Lord St. Albans was committed to the Tower; and, though he had placed himself altogether in the King's hands, confident in his kindness, it is not to be supposed that he could be led to prison without deeply feeling his disgrace. In the anguish of his mind he instantly wrote to Buckingham and to the King, submitting, but maintaining his integrity as Chancellor.

"Good my Lord,—Procure the warrant for my discharge this day. Death, I thank God, is so far from being unwelcome to me, as I have called for it (as Christian resolution would permit) any time these two months. But to die before the time of his majesty's grace, and in this disgraceful place, is even the worst that could be; and when I am dead, he is gone that was always in one tenor, a true and perfect servant to his master, and one that was never author of any immoderate, no, nor unsafe, no (I will say it), not unfortunate counsel; and one that no tempta-

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tion could ever make other than a trusty, and honest, and Christ-loving friend to your lordship; and howsoever I acknowledge the sentence just, and for reformation sake fit, the justest Chancellor that hath been in the five changes since Sir Nicholas Bacon's time. God bless and prosper your lordship, whatsoever become of me.

"Your Lordship's true friend, living and dying,

Tower, 51st May, 1621. "Fr. St. Alban." (*a*)

After two days' imprisonment he was liberated: (*b*) and, the sentence not permitting him to come within the verge of the court, he retired, with the King's permission, to Sir John Vaughan's house at Parson's Green, (*c*) from whence, Liberation

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(*a*) That he wrote to the King is clear, from a letter dated June 22, 1621, which concludes thus: "I submit myself, desiring his majesty and your lordship to take my letters from the Tower as written *de profundis*, and those I continue to write to be *ex aquis falsis*."

(*b*) The following is the notice in Camden. It is placed as after May 15, and before June 1, 1621. "Ex cancellarius in arcem traditur, post biduum deliberatus."

(*c*) In a letter to the Prince of Wales, dated June 1, he says: "I am much beholden to your highness's worthy servant, Sir John Vaughan, the sweet air and loving usage of whose house hath already much revived my languishing spirits, I beseech your highness, thank him for me. God ever preserve and prosper your highness. Your Highness's most humble and most bounden servant, Fr. St. Alban."

Upon his arrival at Sir John's, he wrote to express his obligations both to the King and to Buckingham.

To the King.—It may please your most excellent Majesty,—I humbly thank your majesty for my liberty, without which timely grant any farther grace would have come too late. But your majesty, that did shed tears in the beginning of my trouble, will, I hope, shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death to your Majesty's most devoted servant,

June 4, 1621. Fr. St. Alban.

To the Marquis of Buckingham.—My very good Lord, I heartily thank your lordship for getting me out of prison, and now my body is out, my

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although anxious to continue in or near London, he went, in compliance with his majesty's suggestion, for a temporary retirement to Gorhambury, (*a*) where he was obliged to

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mind nevertheless will be still in prison till I may be on my feet to do his majesty and your lordship faithful service. Wherein your lordship, by the grace of God, shall find that my adversity hath neither spent nor pent my spirits. God prosper you. Your Lordship's most obliged friend and faithful servant, Fr. St. Alban.—June 4, 1621.

(*a*) To the Marquis of Buckingham.—My very good Lord, If it be conceived that it may be matter of inconvenience, or envy, my particular respects must give place; only in regard of my present urgent occasions, to take some present order for the debts that press me most. I have petitioned his majesty to give me leave to stay at London till the last of July, and then I will dispose of my abode according to the sentence. I have sent to the Prince to join with you in it, for though the matter seem small, yet it importeth me much. God prosper you.

June 20, 1621. Your Lordship's true servant, Fr. St. Alban.

My very good Lord,—I humbly thank your lordship for the grace and favour you did both to the message and messenger, in bringing Mr. Meautys to kiss his majesty's hands, and to receive his pleasure from himself. My riches in my adversity have been, that I have had a good master, a good friend, and a good servant.

I perceive by Mr. Meautys his majesty's inclination, that I should go first to Gorhambury; and his majesty's inclinations have ever been with me instead of directions. Wherefore I purpose, God willing, to go thither forthwith, humbly thanking his majesty, nevertheless, that he meant to have put my desire, in my petition contained, into a way, if I had insisted upon it; but I will accommodate my present occasions as I may, and leave the times and seasons and ways to his majesty's grace and choice. Only I desire his majesty to bear with me if I have pressed unseasonably. My letters out of the Tower were *de profundis;* and the world is a prison, if I may not approach his majesty, finding in my heart as I do. God preserve and prosper his majesty and your lordship.

Your Lordship's faithful and bounden servant, Fr. St. Alban.

June 22, 1621.

My very good Lord,—I thank God I am come very well to Gorhambury, whereof I thought your lordship would be glad to hear sometimes. My lord, I wish myself by you in this stirring world, not for any love to place or business, for that is almost gone with me, but for my love to yourself,

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remain till the end of the year, but with such reluctance, that, with the hope of quieting the King's fears, he, at one time, intended to present a petition to the House of Lords to remit this part of his sentence. (*a*)

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which can never cease in your Lordship's most obliged friend and true servant, Fr. St. Alban.

Being now out of use, and out of sight, I recommend myself to your lordship's love and favour, to maintain me in his majesty's grace and good intention.

To Lord Digby.—I pray, my Lord, if occasion serve, give me your good word to the King for the release of my confinement, which is to me a very strait kind of imprisonment. Your Lordship's most affectionate

Gorhambury, this last of December, 1621. Fr. St. Alban.

(*a*) Petition of the Lord Viscount St. Alban, intended for the House of Lords.

My right honourable very good Lords,—In all humbleness acknowledging your lordships' justice, I do now, in like manner, crave and implore your grace and compassion. I am old, weak, ruined, in want, a very subject of pity. My only suit to your lordships is, to shew me your noble favour towards the release of my confinement (so every confinement is), and to me, I protest, worse than the Tower. There I could have had company, physicians, conference with my creditors and friends about my debts, and the necessities of my estate, helps for my studies, and the writings I have in hand. Here, I live upon the sword point of a sharp air endangered if I go abroad, dulled if I stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good, and to help out any wrecks; and that which is one of my greatest griefs, my wife, that hath been no partaker of my offending, must be partaker of this misery of my restraint.

May it please your lordships, therefore, since there is a time for justice, and a time for misery, to think with compassion upon that which I have already suffered, which is not little, and to recommend this my humble, and, as I hope, modest suit to his most excellent majesty, the fountain of grace, of whose mercy, for so much as concerns himself merely, I have already tasted, and likewise of his favour of this very kind, by some small temporary dispensations. Herein your lordships shall do a work of charity and nobility; you shall do me good; you shall do my creditors good; and it may be, you shall do posterity good, if out of the carcass of dead and rotten greatness, as out of Samson's lion, there may be honey gathered for the use of future times. God bless your persons and counsels.

Your Lordship's supplicant and servant, Fr. St. Alban.

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In the month of July he wrote both to Buckingham and to the King letters in which may be seen his reliance upon them for pecuniary assistance, his consciousness of innocence, a gleam of hope that he should be restored to his honors, and occasionally allusions to the favours he had conferred. (*a*) To these applications he received the following answer from Buckingham:

(*a*) To the Marquis of Buckingham. — My very good Lord, I have written, as I thought it decent in me to do, to his majesty, the letter I send inclosed. I have great faith that your lordship, now nobly and like yourself, will effect with his majesty. In this the King is of himself, and it hath no relation to parliament. I have written also, as your lordship advised me, only touching that point of means. I have lived hitherto upon the scraps of my former fortunes; and I shall not be able to hold out longer. Therefore I hope your lordship will now, according to the loving promises and hopes given, settle my poor fortunes, or rather my being. I am much fallen in love with a private life; but yet I shall so spend my time, as shall not decay my abilities for use. God preserve and prosper your lordship.—Sept. 5, 1621.

To the King.—It may please your most excellent Majesty, I perceive, by my noble and constant friend, the marquis, that your majesty hath a gracious inclination towards me, and taketh care of me, for fifteen years the subject of your favour, now of your compassion, for which I most humbly thank your majesty. This same *nova creatura* is the work of God's pardon and the King's, and since I have the inward seal of the one, I hope well of the other.

Utar, saith Seneca to his master, *magnis exemplis; nec meæ fortunæ, sed tuæ*. Demosthenes was banished for bribery of the highest nature, yet was recalled with honour; Marcus Livius was condemned for exactions, yet afterwards made consul and censor. Seneca banished for divers corruptions, yet was afterwards restored, and an instrument of that memorable Quinquennium Neronis. Many more. This, if it please your majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance, how when your majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For, as Aristotle saith, young men may be happy by hope, so why should not old men, and sequestered men, by remembrance. God ever prosper and preserve your majesty. Your majesty's most bounden and devoted servant, FR. ST. ALBAN.

July 16, 1621.

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To the Lord St. Alban.

My noble Lord,—The hearty affection I have borne to your person and service hath made me ambitious to be a messenger of good news to you, and an eschewer of ill; this hath been the true reason why I have been thus long in answering you, not any negligence in your discreet

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To the King.

It may please your majesty,—I have served your majesty now seventeen years; neither was I, in these seventeen years, ever chargeable to your majesty, but got my means in an honourable sweat of my labour, save that of late your majesty was graciously pleased to bestow upon me the pension of twelve hundred pounds for a few years. When I received the seal, I left both the Attorney's place, which was a gainful place, and the clerkship of the Star Chamber, which was Queen Elizabeth's favour, and was worth twelve hundred pounds by the year, which would have been a good commendam. The honours which your majesty hath done me have put me above the means to get my living, and the misery I am fallen into hath put me below the means to subsist as I am. I hope my courses shall be such, for this little end of my thread, which remaineth as your majesty, in doing me good, may do good to many, both that live now, and shall be born hereafter. I have been the keeper of your seal, and now am your beadsman. Let your own royal heart and my noble friend speak the rest. God preserve and prosper your majesty. Your Majesty's faithful poor servant and beadsman, FR. ST. ALBAN.

September 5, 1621.

Cardinal Wolsey said, that if he had pleased God as he pleased the King he had not been ruined. My conscience saith no such thing; for I know not but in serving you I have served God in one. But it may be, if I had pleased God as I had pleased you, it would have been better with me.

To the Marquis of Buckingham.

My very good Lord,—Your lordship will pardon me if, partly in the freedom of adversity, and partly of former friendship (the sparks whereof cannot but continue), I open myself to your lordship, and desire also your lordship to open yourself to me. That which most of all makes me doubt of a change or cooling in your lordship's affection towards me is, that being twice now at London, your lordship did not vouchsafe to see me, though by messages you gave me hope thereof, and the latter time I had begged it of your lordship. The cause of change may either be in myself or your lordship. I ought first to examine myself, which I have done; and God is my witness, I find all well, *and that I have approved myself to your*

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modest servant you sent with your letter, nor his who now returns you this answer, ofttimes given me by your master and mine; who though by this may seem not to satisfy your desert and expectation, yet, take the word of a friend, who will never fail you, hath a tender care of you, full of a fresh memory of your by-past service. His majesty is but for the present, he says, able to yield unto the three years' advance, which if you please to accept, you are not hereafter the farther off from obtaining some better testimony of his favour, worthier both of him and you, though it can never be answerable to what my heart wishes you, as your Lordship's humble servant, G. BUCKINGHAM.

That he was promised some compensation for the loss of his professional emoluments seems probable not only from his letters to the King, and from the aid received, but from his having lived in splendour after his fall, although his certain annual income seems not to have exceeded £,2500. (*a*) With this income, he, with prudence, might, although greatly in debt, have enjoyed worldly comfort: but in prudence he was culpably negligent. (*b*)

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lordship a true friend, both in the watery trial of prosperity and in the fiery trial of adversity, &c.

My very good Lord,—*I hope his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity.* His majesty knows best his own ways; and for me to despair of him were a sin not to be forgiven. I thank God I have overcome the bitterness of this cup by christian resolution; so that worldly matters are but mint and cummin. God ever preserve you.

(*a*) A pension from the crown of 1,200*l.*, his grant from the Alienation Office 600*l.* a year, his own estate 700*l.* This pension he kept to his death, as appears by his will, from which it seems that he thought himself in opulence.

(*b*) King James sent a buck to him, and he gave the keeper fifty pounds. Aubrey.

In the preface to a work entitled "The Cries of the Oppressed," published by M. Pitt, 1691, 12mo. there is the following gossiping statement:

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Thinking that money was only the baggage of virtue, (*a*) that this interposition of earth eclipsed the clear sight of

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"It is to be feared that our nation has been, and still is as guilty of this sin of bribery, even in the reigns of the best of our kings, as ever the house of Israel was. In the days of that good prince Edward the Sixth, bribery was a reigning vice even at the court itself, witness that famous court preacher and afterwards martyr, Father Latimer, in his sermons before that young prince and his nobles. This sin of bribery doth not only reign in King's palaces, but like the leprosy, spreads itself in all the courts of equity and justice, even to the meanest in office. When I was a boy I heard this following story of that great and learned man, the Lord Bacon, who was Lord Chancellor in King James the First's reign. I would speak tenderly of him, because he was one of the learnedest men of his age; I will tell the natural story, and leave the reader to his own thoughts. Much at the time he was put out of the chancellorship, he happened to come into his hall where his gentlemen were at dinner. As soon as they see my lord, they all rose up, but his lordship calls to them to sit still. For, saith he, your rise has been my fall. But the story I am at is this: about the year 1655 some gentlemen meeting in my master's shop (a bookseller), and talking of learning and learned men, they mentioned my Lord Bacon to be one of the learnedest men of the world in the age he lived in; but one of the gentlemen, who by his gray head could not be less than seventy years of age, replied, he did agree with them in their opinion of my Lord Bacon, but my lord had a fault, whatever it was he could not tell; but, saith he, I myself have some business with his lordship: I went to him to his country house, which was near St. Albans, twenty miles from London, where I was admitted into his study, where was no person but his lordship and myself; and whilst I was talking with him about my business, his lordship had occasion to withdraw out of his study, and left me there alone. Whilst his lordship was gone there came into the study one of his lordship's gentlemen, and opens my lord's chest of drawers, wherein his money was, and takes it out in handfuls and fills both his pockets, and goes away without saying one word to me; he was no sooner gone, but comes a second gentleman, opens the same drawers, fills both his pockets with money, and goes away as the former did, without speaking one word to me; at which I was surprised, and much concerned, and was resolved to acquaint my lord with it. As soon as my lord returned into his study, I told him, my lord, here was a very odd passage happened, since your lordship went. Upon which he asked me what it was: I told the passage as here related. He shook his head, and all that he said was, Sir, I cannot help myself."

(*a*) In his Essay on Riches, vol. i. 119, he says, "I cannot call riches better than the baggage of virtue; the Roman word is better, 'impedimenta;'

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the mind, he lived, not as a philosopher ought to have lived, but as a nobleman had been accustomed to live. It is related that the Prince, coming to London, saw at a distance a coach followed by a considerable number of people on horseback, and, upon inquiry, was told it was the Lord St. Albans attended by his friends; on which his highness said with a smile, "Well, do what we can, this man scorns to go out like a snuff."(a)

Unmindful that the want of prudence can never be supplied, he was exposed, in the decline of life, not only to frequent vexation, and his thoughts to continual interruption, but was frequently compelled to stoop to degrading solicitations,(b) and was obliged to incumber Gorhambury and sell York House, dear to him from so many associations, the seat of his ancestors, the scene of his former splendour. These worldly troubles seem, however, not to have affected his cheerfulness, and never to have diverted him from the great object of his life, the acquisition and advancement of knowledge. When an application was made to him to sell one of the beautiful woods of Gorhambury, he answered, "No, I will not be stripped of my feathers."(c)

Release of fine.

In September the King signed a warrant for the release of the parliamentary fine, and to prevent the immediate

for as the baggage is to an army, so is riches to virtue: it cannot be spared nor left behind, but it hindereth the march; yea, and the care of it sometimes loseth or disturbeth the victory."

(a) Aul. Coq. Qy.

(b) To Sir Robert Pye.

Good Sir Robert Pye,—Let me intreat you to despatch that warrant of a petty sum, that it may help to bear my charge of coming up to London. The duke, you know, loveth me, and my Lord Treasurer standeth now towards me in very good affection and respect. You, that are the third person in these businesses, I assure myself, will not be wanting; for you have professed and showed, ever since I lost the seal, your good will towards me. I rest your affectionate and assured friend, &c.

(c) Aubrey.

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importunities of his creditors, assigned it to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barnham, and Sir Thomas Crew, whom Bacon in his will directed to apply the funds, for the payment and satisfaction of his debts and legacies, having a charitable care that the poorest creditors or legatees should be first satisfied. (*a*)

This intended kindness of the King the Lord Keeper Williams misunderstood and endeavoured to impede by staying the pardon at the seal, (*b*) until he was commanded

(*a*) The following is the extract from the will: "Whereas of late my fine, and the whole benefit thereof, was by his majesty's letters patent conveyed to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barneham and Sir Thomas Crewe, knight, persons by me named in trust; I do devise by this my will, and declare, that the trust by me reposed, as well touching the said lands as upon the said letters patents, is, that all and every the said persons so trusted, shall perform all acts and assurances that by my executors, or the survivor or survivors of them shall be thought fit and required, for the payment and satisfaction of my debts and legacies, and performance of my will, having a charitable care that the poorest either of my creditors or legataries be first satisfied."

(*b*) Dr. Williams, Bishop of Lincoln elect, and Lord Keeper of the Great Seal, to the Viscount St. Alban.

My very good Lord,—Having perused a privy seal, containing a pardon for your lordship, and thought seriously thereupon, I find that the passing of the same (the assembly in parliament so near approaching) cannot but be much prejudicial to the service of the King, to the honour of my lord of Buckingham, to that commiseration, which otherwise would be had of your lordship's present estate, and especially to my judgment and fidelity. I have ever affectionately loved your lordship's many and most excelling good parts and endowments; nor had ever cause to disaffect your lordship's person. So as no respect in the world, beside the former considerations, could have drawn me to add the least affliction or discontentment unto your lordship's present fortune. May it therefore please your lordship to suspend the passing of this pardon until the next assembly be over and dissolved, and I will be then as ready to seal it as your lordship to accept of it; and, in the mean time, undertake that the King and my Lord Admiral shall interpret this short delay as a service and respect issuing wholly from your lordship, and rest, in all other offices whatsoever,

Your Lordship's faithful servant, Jo. Lincoln, elect. Custos Sigilli.

Westminster College, Oct. 18, 1621.

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by Buckingham to obey the King's order. In October the pardon was sealed. (*a*)

The Lord Keeper to the Duke.

My most noble Lord,—I humbly thank your Lordship for your most sweet and loving letter, &c. I humbly beseech your lordship to meddle with no pardon for the Lord of St. Albans, until I shall have the happiness to confer with your lordship; the pardoning of his fine is much spoken against, not for the matter (for no man objects to that) but for the manner, which is full of knavery, and a wicked precedent. For by this assignation of his fine, he is protected from all his creditors, which, I dare say, was neither his majesty's nor your lordship's meaning. Let all our greatness depend, as it ought, upon yours, the true original. Let the King be Pharaoh, yourself Joseph, and let us come after you as your half brethren. God bless you, &c.

To the Lord Keeper.

My very good Lord,—I know the reasons must appear to your lordship many and weighty which should move you to stop the King's grace, or to dissuade it; and somewhat the more in respect of my person being, I hope, no unfit subject for noble dealing. I send Mr. Meautys to your lordship, that I might reap so much your fruit of your lordship's professed good affection, as to know in some more particular fashion what it is that your lordship doubteth or disliketh, that I may the better endeavour your satisfaction or acquiescence, if there be cause. So I rest,

Oct. 18, 1621. Your Lordship's to do you service, Fr. St. Alban.

To the Marquis of Buckingham.

My very good Lord,—An unexpected accident maketh me hasten this letter to your lordship, before I could dispatch Mr. Meautys; it is that my Lord Keeper hath staid my pardon at the seal. I ever rest your Lordship's most obliged friend and faithful servant, Fr. St. Alban.

Oct. 18, 1621.

(*a*) The Lord Keeper to the Duke, concerning the Lord of St. Alban.

My most noble Lord,—I have received your lordship's expression concerning the pause I made upon the patent for my Lord of St. Alban's pardon. The latter I have not yet sealed, but do represent, in all lowliness and humility, these few considerations by your lordship to his sacred majesty, wherein let your lordship make no question but I have advised with the best lawyers in the kingdom; and after this representation I will perform whatsoever your lordship shall direct.

1. His majesty and your lordship do conceive that my Lord of St. Alban's pardon and grant of his fine came both together to my hands, and so your lordship directs me to pass the one and the other. But his lordship was

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He had scarcely retired to Gorhambury, in the summer of 1621, when he commenced his history of Henry the Seventh. Henry 7.

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too cunning for me. He passed his fine (whereby he hath deceived his creditors) ten days before he presented his pardon to the seal. So as now, in his pardon, I find his parliament fine excepted, which he hath before the sealing of the same obtained and procured. And whether the house of parliament will not hold themselves mocked and derided with such an exception, I leave to your lordship's wisdom. These two grants are opposite and contradictory, in this point, the one to the other.

After 2 and 3, he thus proceeds:

4. I will not meddle or touch upon those mistakings which may fall between the parliament and his majesty, or the misinterpretation that enemies may make hereof to your lordship's prejudice, because I see, in his majesty's great wisdom, these are not regarded. Only I could have wished the pardon had been referred to the council-board, and so passed. I have now discharged myself of those poor scruples, which, in respect only to his majesty's service and your lordship's honour, have wrought this short stay of my Lord of St. Alban's pardon. Whatsoever your lordship shall now direct, I will most readily (craving pardon for this not undutiful boldness) put in execution. Because some speech may fall of this day's speech, which I had occasion to make in the Common Pleas, where a bishop was never seen sitting there these seventy years, I have presumed to inclose a copy thereof because it was a very short one.

Your lordship shall not need to take that great pains, which your lordship, to my inexpressible comfort, hath so often done in writing. What command soever your lordship shall impose upon me, as touching this pardon, your lordship's expression to Mr. Packer, or the bearer shall deliver it sufficiently. God from heaven continue the showering and heaping of his blessings upon your lordship, &c.—Oct. 27, 1621.

To the Lord St. Alban.

My honourable Lord,—I have delivered your lordship's letter of thanks to his majesty, who accepted it very graciously, and will be glad to see your book, which you promised to send very shortly, as soon as it cometh. I send your lordship his majesty's warrant for your pardon, as you desired it; but am sorry that, in the current of my service to your lordship, there should be the least stop of any thing. Your lordship's faithful servant,

October, 1621. G. Buckingham.

Grant of pardon to the Viscount St. Alban, under the privy seal.

A special pardon granted unto Francis, Viscount St. Alban, for all felonies done and committed against the common laws and statutes of this

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During the progress of the work considerable expectation of his history was excited: (*a*) in the composition of which he seems to have laboured with much anxiety, and to have submitted his manuscript to the correction of various classes of society; to the King, (*b*) to scholars, and to the

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realm; and for all offences of præmunire; and for all misprisions, riots, &c. with a restitution of all his lands and goods forfeited by reason of any the premises; except out of the same pardon all treasons, murders, rapes, incest; and except also all fines, imprisonments, penalties, and forfeitures adjudged against the said Viscount St. Alban by a sentence lately made in the parliament. Teste Rege apud Westm. 17 die Octob. anno Regni suo 19. Per lettre de privato sigillo.

(*a*) Dr. Rawley, in his life of Bacon, says, "His fame is greater, and sounds louder in foreign parts abroad than at home, in his own nation; thereby verifying that divine sentence, a prophet is not without honour, save in his own country and in his own house. Concerning which I will give you a taste only, out of a letter written from Italy (the storehouse of divine wits), to the late Earl of Devonshire, then the Lord Cavendish. I will expect the new Essays of my Lord Chancellor Bacon, as also his history, with a great deal of desire; and whatsoever else, he shall compose. But in particular, of his history, I promise myself, a thing perfect, and singular; especially in Henry the Seventh, where he may exercise the talent of his divine understanding."

(*b*) It appears by a letter from his faithful friend, Sir Thomas Meautys, that the King did correct the manuscript. The letter is dated January 7, 1621-2, and directed to the Lord Viscount St. Alban. It contains the following passage: "Mr. Murray tells me, the King hath given your book to my Lord Brooke, and enjoined him to read it, recommending it much to him, and then my Lord Brooke is to return it to your lordship; and so it may go to the press when your lordship pleases, with such amendments as the King hath made, which I have seen and are very few, and those rather words, as epidemic, and mild instead of debonnaire, &c. Only that of persons attainted, enabled to serve in parliament by a bare reversal of their attainder, the King by all means will have left out. I met with my Lord Brooke, and told him that Mr. Murray had directed me to wait upon him for the book when he had done with it. He desired to be spared this week, as being to him a week of much business, and the next week I should have it; and he ended in a compliment, that care should be taken, by all means, for good ink and paper to print it in, for that the book deserveth it. I beg leave to kiss your lordship's hands."

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uninformed. Upon his desiring Sir John Danvers to give his opinion of the work, Sir John said, "Your lordship knows that I am no scholar. 'Tis no matter, said my lord, I know what a scholar can say; I would know what you can say. Sir John read it, and gave his opinion what he misliked, which my lord acknowledged to be true, and mended it. Why, said he, a scholar would never have told me this;"(*a*) but, notwithstanding this labour and anxiety, the public expectation was not realized.

If, however, in the history of Henry the Seventh, it is vain to look for the vigour or beauty with which the Advancement of Learning abounds: if the intricacies of a court are neither discovered nor illustrated with the same happiness as the intricacies of philosophy: if in a work written when the author was more than sixty years of age, and if, after the vexations and labours of a professional and political life, the varieties and sprightliness of youthful imagination are not to be found, yet the peculiar properties of his mind may easily be traced, and the stateliness of the edifice be seen in the magnificence of the ruins.

Facts.

His vigilance in recording every fact tending to alleviate misery, or to promote happiness, is noticed by Bishop Sprat, in his history of the Royal Society, where he says, "I shall instance in the sweating sickness. The medicine for it was almost infallible: but, before that could be generally published, it had almost dispeopled whole towns. If the same disease should have returned, it might have been again as destructive, had not the Lord Bacon taken care to set down the particular course of physic for it in his history of Henry the Seventh, and so put it beyond the possibility of any private man's invading it."(*b*)

(*a*) Aubrey.

(*b*) Whether it is not the same, or of the same nature, as the cholera which has lately appeared and now exists in England.—See vol. iii. p. 113.

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Greatness of states.

One of his maxims of government for the enlargement of the bounds of the empire is to be found in his comment upon the ordinance, stated in the treatise "De Augmentis," "Let states and kingdoms that aim at greatness by all means take heed how the nobility, and grandees, and those which we call gentlemen, multiply too fast; for that makes the common subject grow to be a peasant and base swain driven out of heart, and in effect nothing else but the nobleman's bond-slaves and labourers. Even as you may see in coppice-wood, if you leave your studdles too thick, you shall never have clean underwood, but shrubs and bushes: so in a country, if the nobility be too many, the commons will be base and heartless, and you will bring it to that, that not the hundredth poll will be fit for an helmet, especially as to the infantry, which is the nerve of an army; and so there will be great population, and little strength."

Familiar illustration.

His love of familiar illustration is to be found in various parts of the history: as when speaking of the commotion by the Cornish men, on behalf of the impostor Perkin Warbeck, "The King judged it his best and surest way to keep his strength together in the seat and centre of his kingdom; according to the ancient Indian emblem, in such a swelling season, to hold the hand upon the middle of the bladder, that no side might rise."

His piety.

And his kind nature and holy feeling appear in his account of the conquest of Granada. "Somewhat about this time came letters from Ferdinando and Isabella, King and Queen of Spain, signifying the final conquest of Granada from the Moors; but the king would not by any means in person enter the city until he had first aloof seen the cross set up upon the great tower of Granada, whereby it became christian ground; and, before he would enter, he did homage to God above, pronouncing by an herald

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from the height of that tower, that he did acknowledge to have recovered that kingdom by the help of the Almighty; nor would he stir from his camp till he had seen a little army of martyrs, to the number of seven hundred and more Christians, that had lived in bonds and servitude, as slaves to the Moors, pass before his eyes, singing a psalm for their redemption."

The work was published in folio, in 1622: (*a*) and is dedicated to Prince Charles. Copies were presented to the King, (*b*) to Buckingham, (*c*) to the Queen of Bohemia, (*d*) Presentation copies.

(*a*) The Historie of the Raigne of King Henry the Seventh, written by the Right Honourable Francis Lord Verulam, Viscount St. Alban. London, printed by W. Stransby, for Matthew Lownes and William Barret, 1622.

(*b*) See letter to the King from Gorhambury, dated 20th March, 1621-2, vol. iii. p. xiii. pref. In this letter there is the following passage: "These your majesty's great benefits, in casting your bread upon the waters, as the scripture saith, because my thanks cannot any ways be sufficient to attain, I have raised your progenitor, of famous memory (and now, I hope, of more famous memory than before), King Henry VII. to give your majesty thanks for me; which work, most humbly kissing your majesty's hands, I I do present."

(*c*) Letter of March 20, 1621-2. vol. iii. p. xiii. preface.

(*d*) It may please your Majesty,—I find in books, and books I dare allege to your majesty, in regard of your singular ability to read and judge of them even above your sex, that it is accounted a great bliss for a man to have leisure with honour. That was never my fortune, nor is. For time was, I had honour without leisure; and now I have leisure without honour. And I cannot say so neither altogether, considering there remain with me the marks and stamp of the King, your father's, grace, though I go not for so much in value as I have done. But my desire is now to have leisure without loitering, and not to become an abbey-lubber, as the old proverb was, but to yield some fruit of my private life. Having therefore written the reign of your majesty's famous ancestor, King Henry the Seventh, and it having passed the file of his majesty's judgment, and been graciously also accepted of the prince your brother, to whom it is dedicated, I could not forget my duty so far to your excellent majesty, to whom, for that I know and have heard, I have been at all times so much bound, as you are ever present with me, both in affection and admiration, as not to make unto

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and to the Lord Keeper. (*a*)

It had scarcely been published when he felt and expressed anxiety that it should be translated into Latin, "as these modern languages will, at one time or other, play the bankrupts with books; and, since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity:" (*b*) a wish which was more than gratified, as it was published, not only in various editions, in England, but was soon translated into French and into Latin. (*c*)

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you, in all humbleness, a present thereof, as now being not able to give you tribute of any service. If King Henry the Seventh were alive again, I hope verily he could not be so angry with me for not flattering him, as well pleased in seeing himself so truly described in colours that will last and be believed. I most humbly pray your majesty graciously to accept of my good will; and so, with all reverence, kiss your hands, praying to God above, by his divine and most benign providence, to conduct your affairs to happy issue; and resting your majesty's most humble and devoted servant,

April 20, 1622. FR. ST. ALBAN.

(*a*) To the Lord Viscount St. Alban.

My very good Lord,—I heartily thank your lordship for your book, and all other symbols of your love and affection, which I will endeavour, upon all opportunities, to deserve; and, in the mean time, do rest your lordship's assured faithful poor friend and servant, JO. LINCOLN, C.S.

Westminster College, this 7th of February, 1622.

To the Right Honourable his very good Lord,
the Lord Viscount St. Alban.

(*b*) Letter to Toby Matthew.

(*c*) In 1627 it was published in French, 8vo. Paris, par Holman, of which there is a copy in the British Museum. In 1629 there was a new edition in English. In 1638 an edition in Latin was published by Dr. Rawley, completed, as it seems, during the life of Bacon—See Rawley's life. And the press has since abounded with editions, in 1641, in 1647, and in 1662; and in the British Museum there is a MS. (Sloane's collection, 84,) entitled, Notes taken out of his history of the reign of Henry the Seventh; and another MS. Harleian, vol. 2, of Catalogue 300, entitled, Notes of Henry the Seventh's reign, set down in MS. by the Lord Chancellor Bacon.

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Such was the nature of his literary occupations in the first year after his retirement, during which he corresponded with different learned foreigners upon his works; (*a*) and great zeal having been shewn for his majesty's service, he composed a treatise entitled, "An Advertisement touching a Holy War," which he inscribed to the Bishop of Winchester. (*b*)

A. D. 1623. Æt. 63. Eton.

In the beginning of this year a vacancy occurred in the Provostship of Eton College, where, in earlier years, he had passed some days with Sir Henry Savile, pleasant to himself and profitable to society. (*c*) His love of knowledge again manifested itself.

Having, in the spirit of his father, unfortunately engaged, in his youth, in active life, he now, in the spirit of his grandfather, the learned and contemplative Sir Anthony Cooke, who took more pleasure to breed up statesmen than to be one, offered himself to succeed the provost: as a fit occupation for him in the spent hour-glass of his life, and a retreat near London to a place of study. (*d*)

The objection which would, of course, be made from what we, in our importance, look down upon as beneath his dignity, he had many years before anticipated in the Advancement of Learning, when investigating the objections to learning from the errors of learned men, from—their fortunes; their manners; and the meanness of their employments: upon which he says, "As for meanness of employment, that which is most traduced to contempt, is, that the government of youth is commonly allotted to them; which age, because it is the age of least au-

(*a*) See his letter to Father Baranzan, vol. xiii. p. 68.

(*b*) See vol. vii. p. 112.

(*c*) Ante p. cx.

(*d*) See letter to Conway, vol. xii. p. 440, and vol. xii. p. 442, and to the King, vol. xii. p. 440.

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thority, it is transferred to the disesteeming of those employments wherein youth is conversant, and which are conversant about youth. But how unjust this traducement is, if you will reduce things from popularity of opinion to measure of reason, may appear in that, we see men are more curious what they put into a new vessel, than into a vessel seasoned; and what mould they lay about a young plant, than about a plant corroborate; so as the weakest terms and times of all things used to have the best applications and helps; and, therefore, the ancient wisdom of the best times did always make a just complaint, that states were too busy with their laws, and too negligent in point of education: which excellent part of ancient discipline hath been in some sort revived of late times, by the colleges of the Jesuits; of whom, although in regard of their superstition I may say, *quo meliores, eo deteriores;* yet in regard of this, and some other points concerning human learning and moral matters, I may say, as Agesilaus said to his enemy Pharnabasus, *Talis quum sis, utinam noster esses.*" (*a*)

His application was not successful; the King answered that it had been designed for Sir William Beecher, but that there was some hope that, by satisfying him elsewhere, his majesty might be able to comply with the request. Sir William was satisfied by the promise of £2500, but the provostship was given to Sir Henry Wotton,(*b*) "who had for many years, like Sisiphus, rolled the restless stone of a state employment; knowing experimentally that the great blessing of sweet content was not to be found in multitudes of men or business: and, that a college was the fittest place to nourish holy thoughts, and to afford

(*a*) Advancement of Learning, vol. ii. p. 26.
(*b*) Wotton's Remains.

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rest both to his body and mind, which he much required from his age, being now almost threescore years, and from his urgent pecuniary wants; for he had always been as careless of money, as though our Saviour's words, 'Care not for to-morrow,' were to be literally understood." He, therefore, upon condition of releasing a grant, which he possessed, of the mastership of the Rolls, was appointed provost. (*a*)

At this disappointment Bacon could not be much affected. One day, as he was dictating to Dr. Rawley some of the experiments in his Sylva, he had sent a friend to court, to receive for him a final answer, touching the effect of a grant which had been made him by King James. He had hitherto only hope of it, and hope deferred; and he was desirous to know the event of the matter, and to be freed, one way or other, from the suspense of his thoughts. His friend returning, told him plainly that he must thenceforth

(*a*) The following is from the Life of Wotton, "To London he came the year before King James died; who having for the reward of his foreign service promised him the reversion of an office which was fit to be turned into present money, which he wanted for a supply of his present necessities, and also granted him the reversion of the Master of the Rolls place, if he outlived charitable Sir Julius Cæsar, who then possessed it: and then, grown so old, that he was said to be kept alive beyond nature's course, by the prayers of those many poor which he daily relieved. But these were but in hope; and his condition required a present support: for in the beginning of these employments he sold to his elder brother, the Lord Wotton, the rent-charge left by his good father, and, which is worse, was now at his return indebted to several persons, whom he was not able to satisfy, but by the King's payment of his arrears due for his foreign employments, he had brought into England many servants, of which some were German and Italian artists. This was part of his condition who had many times hardly sufficient to supply the occasions of the day: (for it may by no means be said of his providence, as himself said of Sir Philip Sidney's wit, that it was the very measure of congruity) he being always so careless of money, as though our Saviour's words, 'Care not for to-morrow,' were to be literally understood."

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despair of that grant, how much soever his fortunes needed it. "Be it so," said his lordship; and then he dismissed his friend very cheerfully, with thankful acknowledgements of his service. His friend being gone, he came straightway to Dr. Rawley, and said thus to him, "Well, Sir, yon business won't go on, let us go on with this, for this is in our power:" and then he dictated to him afresh, for some hours, without the least hesitancie of speech, or discernible interruption of thought. (*a*)

He proceeded with his literary labours, and, during this year, published in Latin his celebrated treatise "De Augmentis Scientiarum" (*b*) and his important "Historia Vitæ et Mortis." (*c*)

De Augmentis.

Between the year 1605, when the Advancement was published, (*d*) and the year 1623, he made great progress in the completion of the work, which, having divided into nine books, and subdivided each book into chapters, he caused to be translated into Latin by Mr. Herbert, and some other friends, and published in Latin in 1623, (*e*) in a

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(*a*) Baconiana.

(*b*) See vols. viii. and ix.

(*c*) See vol. x. for Latin, and vol. xiv. for English.

(*d*) See vol. ii.

(*e*) In the year 1622 Lord Bacon wrote an Advertisement touching an Holy War, to the Bishop of Winchester (see vol. vii. p. 112), in which he thus mentions the treatise "De Augmentis:" "That my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake; I have thought good to procure a translation of that book into the general language, not without great and ample additions and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part."

In his letter to Fulgentio (vol. xii. p. cciii.), he says, "I judged it most

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volume entitled De Dignitate et Augmentis Scientiarum.

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convenient to have them translated in the Latin tongue, and to divide them into certain tomes. The first tome consisteth of the books of the Advancement of Learning, which (as you understand) are already finished, and published, and contain the Partition of Sciences, which is the first part of my Instauration."

In the Baconiana, Tenison says, "The Great Instauration was to consist of six parts. The first part proposed was, the Partitions of the Sciences; and this the author perfected in that golden treatise of the Advancement of Learning, addressed to King James. Afterwards he enlargeth the second of those two discourses, which contained especially the abovesaid partition, and divided the matter of it into eight books. And knowing that this work was desired beyond the seas, and being also aware that books written in a modern language, which receiveth much change in a few years, were out of use, he caused that part of it which he had written in English to be translated into the Latin tongue by Mr. Herbert and some others, who were esteemed masters in the Roman eloquence."

In his letter to the King, upon sending his presentation copy, which is in the British Museum, he says, "It may please your most excellent Majesty,—I send, in all humbleness, to your majesty the poor fruits of my leisure. This book was the first thing that ever I presented to your majesty, and it may be will be the last. For I had thought it should have *posthuma proles*, but God hath otherwise disposed for a while. It is a translation, but almost enlarged to a new work. I had good helps for the language. I have been also mine own *index expurgatorius*, that it may be read in all places. For since my end of putting it into Latin was to have it read every where, it had been an absurd contradiction to free it in the language, and to pen it up in the matter. Your majesty will vouchsafe graciously to receive these poor sacrifices of him that shall ever desire to do you honour while he breathes, and fulfilleth the rest in prayers. Your Majesty's true beadsman and most humble servant," &c.

And in his presentation letter to the Prince, he says, "It may please your excellent Highness.—I send your highness, in all humbleness, my book of Advancement of Learning, translated into Latin, but so enlarged, as it may go for a new work. It is a book, I think, will live and be a citizen of the world, as English books are not."

And in his presentation copy to the Duke of Buckingham, he says,—"Excellent Lord, I send your grace for a *parabien* a book of mine, written first and dedicated to his majesty in English, and now translated into Latin, and enriched."

The following address will, perhaps, best explain the work:

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This treatise De Augmentis is an improvement by expunging, (*d*) enlarging, (*e*) and arranging, (*f*) of the Advancement of Learning.

Gulielmus Rawley Sacræ Theologiæ Professor, Illustrissimi Domini D. Francisci Baronis de Verulamio, Vice Comitis Sancti Albani, Sacellanus.

Lectoris. Cum Domino meo placuerit, eo me dignari honore, ut in edendis operibus suis, opera mea usus sit: non abs re fore existimavi, si lectorem de aliquibus, quæ ad hunc præsentem tomum pertinent, breviter moneam. Tractatum istum, de Dignitate et Augmentis Scientiarum, ante annos octodecim, edidit dominatio sua, lingua patria, in duos tantummodo libros distributum; et regiæ suæ majestati dicavit, quod et nunc facit. Non ita pridem animum adjecit, ut in Latinam linguam verteretur. Inaudierat siquidem illud apud exteros expeti. Quinetiam solebat subinde dicere libros modernis linguis conscriptos, non ita multo post decocturos. Ejus igitur translationem, ab insignioribus quibusdam eloquentia viris elaboratam, propria quoque recensione castigatam, jam emittit. Ac liber primus certe, quasi mera translatio est, in paucis admodum mutatus: at reliqui octo, qui Partitiones Scientiarum tradunt, atque unico ante libro continebantur, ut novum opus, et nunc primum editum, prodit. Caussa autem præcipua, quæ dominationem suam movit, ut opus hoc retractaret, et in plurimis amplificaret, ea fuit; quod in Instauratione Magna (quam diu postea edidit) Partitiones Scientiarum, pro prima Instaurationis parte constituit: quam sequeretur Novum Organum; dein Historia Naturalis; et sic deinceps. Cum igitur reperiret partem eam de Partitionibus Scientiarum jam pridem elaboratam (licet minus solide quam argumenti dignitas postularet), optimum fore putavit, si retractaretur, et redigeretur in opus justum et completum. Atque hoc pacto, fidem suam liberari intelligit, de prima parte Instaurationis præstitam. Quantum ad opus ipsum, non est tenuitatis meæ, de eo aliquid præfari. Præconium ei, quod optime conveniat, existimo futurum illud, quod Demosthenes interdum dicere solebat de rebus gestis Atheniensium veterum; laudatorem iis dignum esse solummodo tempus. Deum Opt: Max: obnixe precor, ut pro dignitate operis fructus uberes, diuturnique, et auctori, et lectori, contingant.

(*d*) The Advancement of Learning contains the beautiful passage in praise of Elizabeth, which is in the end of the first part of this work. See page xcv. This and another passage in praise of Elizabeth is omitted. See note 4 H at the end of this work.

(*e*) Various parts are enlarged: see, for instance, the analysis of Natural History, and Justitia Universalis.

(*f*) The Advancement is divided into two books, without any sub-

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In the first part there are scarcely any alterations, except the omission of his beautiful praise of Elizabeth, not, perhaps, very acceptable to her successor (*a*) The material alterations are in the analysis of Natural History and Natural Philosophy; in his expansion of a small portion of the science of "Justitia Universalis;" in that part of human philosophy under the head of Government, which relates to man as a member of society; and in his arrangement of the important subject of revealed religion. (*b*)

In the annexed outline of the work the parts marked in italics will exhibit the material alterations:

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division into chapters: the De Augmentis is divided into nine books, and each book is subdivided into chapters.

(*a*) See note (*d*), preceding page.

(*b*) The treatise "De Augmentis," being more extensive, abounds with passages that are not contained in "The Advancement." I will take one specimen from each subject into which the work is divided, viz. from History, relating to the Memory; Poetry, relating to the Imagination; and Philosophy, relating to the Understanding.

In the treatise De Augmentis, Natural History is divided—

- 1. As to the subject.
  - 1. Of Nature in course.
  - 2. Of Nature erring.
  - 3. Of Arts.
- 2. *As to the use.*
  - 1. *Narrative.*
  - 2. *Inductive.*

But the division, *as to the use*, &c. is not contained in the Advancement.

Under Poetry, the fable of Pan, of Perseus, &c. which are not in the Advancement will be found in the treatise De Augmentis. Under Philosophy, speaking on the advancement of universal justice, or the laws of laws, he says, "I propose, if God give me leave, having begun a work of this nature in aphorisms, to propound it hereafter, noting it in the mean time for deficient." In the treatise De Augmentis considerable progress is made in this projected work, in forty-seven distinct axioms.

In Archbishop Tenison's Baconiana, the progress of this work, and the difference between the De Augmentis and the Advancement is explained.

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- 1. Preliminary.
  - 1. Objections.
    - 1. By Divines.
    - 2. By Politicians.
    - 3. From the errors of learned men.
  - 2. Advantages.
    - 1. Divine.
    - 2. Human.
- 2. What done and omitted.
  - 1. Promotion of knowledge.
    - 1. General.
    - 2. Particular.
      - 1. Colleges.
      - 2. Libraries.
      - 3. Lectures.
  - 2. Division.
    - 1. History, relating to the Memory.
      - 1. Different histories.
        - 1. Nature.
          - 1. Subject.
            - 1. *Generations.* { *Heavens, Earth, Elements, Meteors, Sea.*
            - 2. Preter generations.
              - Monsters.
              - Marvels.
              - Magic, &c.
            - 3. Arts.
          - 2. *Use.*
            - 1. Narrative.
            - 2. Induction.
        - 2. Civil.
          - 1. Fragments.
            - 1. Memorials.
            - 2. Antiquities.
          - 2. Perfect.
            - 1. Simple.
              - 1. Chronicles.
              - 2. Lives.
              - 3. Relations.
            - 2. Mixed.
        - 3. Ecclesiastical.
          - 1. The Church.
          - 2. Prophecy.
          - 3. Providence.
        - 4. Literary.
      - 2. Appendices.
        - 1. Orations.
        - 2. Epistles.
        - 3. Apothegms.
    - 2. Poetry, relating to the Imagination.
      - 1. Narrative.
      - 2. Representative.
      - 3. Parabolical.
    - 3. Philosophy, relating to Reason.
      - 1. Natural.
        - 1. General.
        - 2. Particular.
          - 1. Religion.
          - 2. *Philosophy.*
          - 3. Man. (Ante, 134.)
            - 1. As an individual.
            - 2. In society.
              - 1. Conversation.
              - 2. Negociation.
              - 3. Government.
                - 1. Enlarging a state.
                - 2. *Justitia Universalis.*
      - 2. *Revealed.*
        - 1. *Limits of Reason.*
        - 2. *Unity in Religion.*
        - 3. *Scriptural emanations.*
          - 1. *Errors in Interpretation.*
          - 2. *Desiderata.*

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Of this extraordinary work various editions and translations have been since published. (*b*)

(*b*) Different editions of the treatise De Augmentis.

1. The first edition is thus described by Tenison: "The fairest and most correct edition of this book in Latin is that in folio, printed at London, 1623; and whoever would understand the Lord Bacon's cypher, let him consult that accurate edition: for, in some other editions which I have perused, the form of the letters of the alphahet, in which much of the mystery consisteth, is not observed, but the roman and italic shapes of them are confounded." The following is a copy of the title page: "Francisci Baconi Baronis de Vervlamio, Vice-Comitis Sancti Albani, de Dignitate et Augmentis Scientiarum. Libri IX. Ad Regem svvm. Londini, in Officina Joannis Haviland, MDCXXIII." There is a copy at Cambridge and in the British Museum, and I have a copy.

2. The work had scarcely appeared in England, when an edition was published in France: it appeared in 1624. The following is a copy of the title page: "Francisci Baronis de Vervlamio Vicecomitis Sancti Albani, de Dignitate et Augmentis Scienciarum. Libri IX. Ad Regem svvm. Iuxta exemplar Londini impressum. Parisiis, typis Petri Metayer, typographi Regij. M.DC XXIV." I have a copy.

3. In 1638 an edition was published by Dr. Rawley, in a folio entitled, "Francisci Baconi Baronis de Vervlamio Vice-Comitis Sancti Albani tractatus de Dignitate et Augmentis Scientiarum qui est Instaurationis magne pars prima. Ad regem svvm. Londini, typis Ioh. Haviland. Prostant ad insignia Regia in Cæmeterio D. Pauli, apud Iocosam Norton et Richardum Whitakerum. 1638."

4. In the year 1645 an edition in 12mo. was published in Holland. The following is the title page: "Francisci Baconis de Verulamio, Vice-Comitis Sancti Albani, de Dignitate et Augmentis Scientiarum. Libri IX. Ad Regem suum. Editio nova, cum Indice rerum et verborum locupletissimo. Lugd. Batav. apud Franciscum Moyardum et Adrianum Wijngaerde. Anno 1645."—The title page of this Dutch edition is adorned with an engraving, not undeserving the attention of our students in England: it is of a youth aspiring to the attainment of knowledge.

5. In 1652 another edition in 12mo. was published in Holland, the engraving prefixed to the edition of 1645 is also prefixed to this edition; but the descriptive title is omitted, and the address to the reader is at the back of the engraving. The following is the title page: "Fr. Baconis de Vervlam Angliæ Cancellarii de Avgmentis Scientiarvm. Lib. IX. Lvgd. Batavorvm, ex officina Adriani Wijngaerden. Anno 1652."

6. In 1662 another edition was published in 12mo. in Holland. The

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Copies were presented to the King, to whom it was

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following is a copy of the title page: " Fr. Baconis de Vervlam Angliæ Cancellarii de Avgmentis Scientiarum. Lib. IX. Amstelædami, sumptibus Joannnis Ravesteinij. 1662." At the back of which, as in the edition of 1652, there is the address to the reader: " Amice Lector. Hoc opus de Augmentis Scientiarum, novo ejusdem autoris organo si præmittatur, non modo necessarium ei lucem præbet; sed et partitiones continet scientiarum quæ primam Instaurationis magnæ partem constituunt quas idcirco auctor in ipso organi limine retractare noluit. Hæc te scire volebam."

7. In 1765 an edition in 8vo. was published at Venice. The following is the title page: " Francisci Baronis de Verulamio, Angliæ Cancellarii de Dignitate et Augmentis Scientiarum. Pars prima. Lugani, MDCCLXIII. Expensis Gasparis Girardi, Bibliopolæ Veneti." I have a copy.

8. In 1779 an edition was published on the continent. The following is the title page: " Francisci Baconi Baronis de Verulamio de Dignitate et Augmentis Scientiarum. Tomus I. Wirceburgi, apud. Jo. Jac. Stahel. 1779.

9. In 1829 another edition was published on the continent, in two vols. of which the following is the title page: " Francisci Baconis de Dignitate et Augmentis Scientiarum. Libri IX. Ad fidem optimarum editionum edidit vitamque auctoris adjecit Philippus Mayer, Philosophie Doctor et Gymnasii Norimbergensis Collega. Norimbergae, sumptibus Riegelii et Wiessneri. MDCCCXXIX."

Such are the different editions of which I have any knowledge. I understand that editions have been published in Germany, for which I have sent, and hope to be able to procure.

Is it not rather extraordinary that not an edition has been published in either of the universities of England?

Translations.

In the year 1640 a translation into English was published at Oxford, with a portrait of the philosopher writing his Instauratio, and the following inscriptions prefixed and subjoined: " Tertius a Platone philosophiæ princeps. Quod feliciter vortat reip. literariæ V. C. Fran. de Verulamio philosoph. libertates assertor avdax, scientiaru' reparator felix mundi mentisq. magnus arbiter inclytis max. terrarum orbis Acad. Oxon. Contab. Q. hanc suam Instavr. voto suscepto vivus decernebat obiit V. non. April. II. D. N. Caroli I. Pp. Aug. CIↃ IↃC XXVI"—Appended is another engraving of two spheres, the one of the visible, the other of the intellectual world, and supported by two fixed pillars, the one Oxford and the other Cambridge, with a vessel sailing between them, with the following inscription: " Of

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dedicated, the Prince, the Duke of Buckingham, Trinity

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the Advancement and Proficience of Learning, or the Partitions of Sciences, IX Bookes. Written in Latin by the most illustrious and famous Lord Francis Bacon, Baron of Verulam, Vicont St. Alban, Counsilour of Estate and Lord Chancellor of England. Interpreted by Gilbert Wats. Multi pertransibunt et augebitur scientia. Oxford, printed by Leon. Lichfield, printer to the University for Rob. Young, and Ed. Forrest. CICIↃC XL."

In the year 1674 another edition of the translation by Wats was published in London, but instead of the engravings which were prefixed to the edition of 1640, there is prefixed to the annexed title page only a portrait of Lord Bacon. The following is the title page: "Of the Advancement and Proficience of Learning: or the Partitions of Sciences. Nine Books. Written in Latin by the most eminent, illustrious and famous Lord Francis Bacon, Baron of Verulam, Viscount St. Alban, Counsellor of Estate and Lord Chancellor of England. Interpreted by Gilbert Wats. London, printed for Thomas Williams, at the Golden Ball in Osier Lane, 1674."

Of these translations Archbishop Tenison thus speaks in the Baconiana: "The whole of this book was rendered into English by Dr. Gilbert Wats, of Oxford, and the translation has been well received by many; but some there were, who wished that a translation had been set forth, in which the genius and spirit of the Lord Bacon had more appeared. And I have seen a letter, written by certain gentlemen to Dr. Rawley, wherein they thus importune him for a more accurate version, by his own hand. 'It is our humble suit to you, and we do earnestly solicit you to give yourself the trouble to correct the too much defective translation of De Augmentis Scientiarum, which Dr. Wats hath set forth. It is a thousand pities that so worthy a piece should lose its grace and credit by an ill expositor; since those persons who read that translation, taking it for genuine, and upon that presumption not regarding the Latin edition, are thereby robbed of that benefit which, if you would please to undertake the business, they might receive. This tendeth to the dishonour of that noble lord, and the Advancement of Learning.'"

Of the correctness or incorrectness of these observations, some estimate may be formed from the following specimens:

The Instauratio Magna thus begins: "Franciscus de Verulamio sic cogitavit"—Translation by Wats: "Francis Lord Verulam consulted thus."

Another specimen: Advancement of Learning.—"We see in all other pleasures there is satiety, and after they be used their verdure departeth; which sheweth well they be but deceits of pleasure, and not pleasures, and that it was the novelty which pleased, and not the quality; and therefore

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College, Cambridge, the University of Cambridge, and the

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we see that voluptuous men turn friars, and ambitious men turn melancholy; but of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable, and therefore appeareth to be good in itself simply, without fallacy or accident."

Wats's Translation.—" In all other pleasures there is a finite variety, and after they grow a little stale, their flower and verdure fades and departs; whereby we are instructed that they were not indeed pure and sincere pleasures, but shadows and deceits of pleasures, and that it was the novelty which pleased, and not the quality; wherefore voluptuous men often turn friars, and the declining age of ambitious princes is commonly more sad and besieged with melancholy; but of knowledge there is no satiety, but vicissitude, perpetually and interchangeably returning of fruition and appetite; so that the good of this delight must needs be simpler, without accident or fallacy."

In the year 1632 a translation into French was published in Paris. The following is a copy of the title page: " Neve Livres de la Dignité et de l'Accroissement des Sciences, composez par Francois Bacon, Baron de Verulam et Vicomte de Saint Aubain, et traduits de Latin en Francois par le Sieur de Golefer, Conseiller et Historiographe du Roy. A Paris, chez Jaques Dugast, rue Sainct Jean de Beauvais, a l'Olivier de Robert Estienne et en sa boutique au bas de la rue de la Harpe. M.DC.XXXII. avec privilege du Roy."—Of this edition Archbishop Tenison says, " This work hath been also translated into French, upon the motion of the Marquis Fiat; but in it there are many things wholly omitted, many things perfectly mistaken, and some things, especially such as relate to religion, wilfully perverted. Insomuch that, in one place, he makes his lordship to magnify the Legend: a book sure of little credit with him, when he thus began one of his essays, ' I had rather believe all the fables in the Legend, and the Talmud, and the Alcoran, than that this universal frame is without a mind.'" I have a copy of this edition.

A Letter of the Lord Bacon's, in French, to the Marquess Fiat, relating to his Essays.

Monsieur l'Ambassadeur mon File,—Voyant que vostre excellence faict et trait mariages, non seulement entre les princes d'Angletere et de France, mais aussi entre les langues (puis que faictes traduire non liure de l'Advancement des Sciences en Francois) i' ai bien voulu vous envoyer, &c.

There is a translation into French in the edition of Lord Bacon's works, published in the eighth year of the French Republic. The following is the title page of this edition: " Œuvres de François Bacon, Chancelier d'Angletaire; traduites par Ant. La Salle; avec des notes critiques, historiques

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University of Oxford. (*a*)—The present was gratefully acknowledged by the different patrons to whom it was presented, and by all the learning of England.

Fifty years after its publication it was included at Rome in the list "Librorum Prohibitorum," in which list it is now included in Spain.

The vanity of these attempts to resist the progress of knowledge might, it should seem, by this time be understood even at the Vatican.

How beautifully are the consequences of this intolerance thus stated by Fuller: (*b*) "Hitherto the corpse of John Wickliffe had quietly slept in his grave about forty-one years after his death, till his body was reduced to bones, and his bones almost to dust. For though the earth in the chancel of Lutterworth, in Leicestershire, where he was interred, hath not so quick a digestion with the earth of Aceldama, to consume flesh in twenty-four hours, yet such the appetite thereof, and all other English graves,

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et litteraires. Tome premier. A Dijon, de l'Imprimerie de L. N. Frantin, an 8 de la Republique Française."

De Augmentis—Latin.

1623	Folio	Haviland	London	1st edit.
1624	4to.	Mettayer	Paris	2nd edit.
1633	Folio	Haviland ...	London	3rd edit.
1645	12mo. ...	Moirardum ..	Dutch	4th edit.
1652	12mo. ...	Wynyard	Dutch	5th edit.
1662	12mo. ...	Ravestein	Dutch	6th edit.
1765	8vo.	Gerard	Venice	7th edit.
1779	8vo.	Stahel	Wirceburgi ...	8th. 2 vols.
1829	8vo.	Riegelii.....	Nuremberg....	9th. 2 vols.

Translations.

1640	English ..	G. Watts	Oxford	Folio.
1674	English ..	G. Watts	London	Folio.
1632	French ...	Dugast	Paris	4to.
8th year Rep. .	French ...	Frantin	Dijon.....	8vo.

(*a*) Copies of the presentation letters, with the answers are in the preface to vol. viii.

(*b*) Ecclesiastical History.

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to leave small reversions of a body after so many years. But now such the spleen of the council of Constance, as they not only cursed his memory as dying an obstinate heretic, but ordered that his bones (with this charitable caution,—if it may be discerned from the bodies of other faithful people) be taken out of the ground, and thrown far off from any christian burial. In obedience hereunto, Richard Fleming, Bishop of Lincoln, Diocesan of Lutterworth, sent his officers, vultures with a quick sight scent at a dead carcass, to ungrave him. Accordingly to Lutterworth they come; Summer, Commissary, Official, Chancellor, Proctors, Doctors, and their servants, so that the remnant of the body would not hold out a bone amongst so many hands, take what was left out of the grave, and burnt them to ashes, and cast them into Swift, a neighbouring brook running hard by. Thus this brook hath conveyed his ashes into Avon, Avon into Severn, Severn into the narrow seas, they into the main ocean; and thus the ashes of Wickliffe are the emblem of his doctrine, which now is dispersed all the world over."

If Bacon had completed his intended work upon "Sympathy and Antipathy," the constant antipathy of ignorance to intellect, originating sometimes in the painful feeling of inferiority, (*a*) sometimes in the fear of worldly injury, but always in the influence of some passion more

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(*a*) The Athenian peasant voted for the banishment of Aristides, because he was called "The Just."

> "Let me have men about me that are fat,
> Sleek-headed men, and such as sleep a-nights:
> Yon Cassius has a lean and hungry look;
> He thinks too much: such men are dangerous."

> "'Tis a rich man's pride—there having ever been
> More than a feud, a strange antipathy
> Between us and true gentry."—Massinger.

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powerful than the love of truth,(a) would not have escaped his notice.

In this year he also published his History of Life and Death, which, of all his works, is one of the most extraordinary, both for the extent of his views, and the minute accuracy with which each part is investigated. It is addressed, not, to use his own expression, "to the Adonis's of literature, but to Hercules's followers; that is, the more severe and laborious inquirers into truth."(b) Life and Death.

Upon his entrance, in the Advancement of Learning, on the science of human nature, he says, "The knowledge of man, although only a portion of knowledge in the continent of nature, is to man the end of all knowledge:"(c) and, in furtherance of this opinion, he explains that the object of education ought to be knowledge and improvement of the Body and the Mind.(d)

Of the importance of knowledge of the body, that, "while sojourning in this wilderness, and travelling to the land of promise, our vestments should be preserved," Body.

(a) "Great is Diana of the Ephesians."—New Testament. "The Pope said he could catch no fish, if the waters were clear."—Fuller. "Man would contend that two and two did not make four if his interests were affected by this position." "Agnus was the only combination which the wolf, learning to spell, could make of the twenty-four letters of the alphabet."

Although the objections of intellect and of ignorance may, possibly, be traced to a love of truth and of the public weal: the objections of interest always originate in self, and are movable only by removing the cause. The English ambassador, who, upon his return from Rome, being asked by Queen Caroline, "Why he had not attempted to make a convert of the Pope," wisely answered, "Madam, I had nothing better to offer to his Holiness."

(b) Advancement of Learning.

(c) See vol. ii. p. 153, and vol. viii. p. 204. Hæc scientia homini pro fine est scientiarum: at naturæ ipsius portio tantum.

(d) Page cx.

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he is incessant in his observations. He divides the subject into

- 1. Health.
  - 1. The preservation of Health.
  - 2. The cure of Diseases.
  - 3. The prolongation of Life.
- 2. Strength.
- 3. Beauty.
- 4. Pleasure.

His History of Life and Death may be regarded as a treatise upon the art of Preservation of Health and Prolongation of Life.

As the foundation of his investigations he considers,

- 1st. The causes of the *consumption* of the body.
- 2ndly. The modes of *reparation.*

Consumption. Of *consumption* he says there are two causes: the depredation of vital spirit and the depredation of ambient air; and if the action of *either* of these agents can be destroyed, the decomposition is more or less retarded, as in bodies inclosed in wax or coffins, where the action of the external air is excluded: and when the action of *both* these causes can be prevented, the body defies decomposition, as in bricks and burnt bodies, where the vital spirit is expelled, by exposure of the clay to the ambient air, and afterwards by fire; or as a fly in amber, more beautifully entombed than an Egyptian monarch.

In making the *agents* less predatory, and the *patients* less depredable, the science of the retardation of consumption consequently consists. (*a*)

He proceeds, therefore, with his usual accuracy, to consider how these objects are to be attained; and, having

(*a*) For the analysis, see note (*a*), next page.

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considered them, he proceeds to the doctrine of *reparation*, both of the *whole* frame and the decayed *parts*. (*b*)

(*a*) The following analysis will exhibit a small portion of this science:

- 1. Consumption.
  - 1. Causes.
    - 1. Ambient Air.
    - 2. Innate Spirit.
  - 2. Retardation of Consumption.
    - 1. By making the *agents* less predatory.
      - 1. The Air.
      - 2. The Spirit.
        - 1. Condensation.
        - 2. Diminution.
        - 3. Tranquillity.
    - 2. The *patients* less depredable.
      - 1. Hardening.
      - 2. Softening.
- 2. Reparation of
  - 1. The whole frame.
    - 1. Concoction of the outward parts.
    - 2. Excitation of the outward parts.
    - 3. Preparation of aliment.
    - 4. Comforting the last act of assimilation.
  - 2. Decayed parts.
    - 1. Inteneration.
    - 2. Expurgation.

(*b*) The following outline of the treatise is annexed, with the hope that it may induce some of the inquirers to whom it is addressed to extend their researches to this the foundation of their happiness and utility. It contains inquiries, 1 and 2, as to the durability of bodies inanimate and vegetable. 3. Length of life in animals. 4. Alimentation. 5, 6, 7, 8, 9. Length of man's life according to,

1. The ages of the world. 2. Places of birth. 3. Races of families. 4. Complexions, constitutions. 5. Habits of body. 6. Statures. 7. Manner and time of growth. 8. Make. 9. Times of nativity. 10. Fare. 11. Diet. 12. Government. 13. Exercise. 14. Their Studies. 15. Courses of life. 16. Passions.

10. Medicines that prolong life. 11. Physiognomical signs of long life. 12. Preventing consumption.

1. Renewal of vigour of spirits. 2. Exclusion of air. 3. Operation on blood and sanguiferous heat. 4. Operation on juices of the body.

13. Reparation by food.

5. Operation upon bowels for extension of aliment. 6. Operation on outward parts for alteration of aliment. 7. Operation upon the aliment. 8. Operation on last act of assimilation.

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His History of Life and Death contains his favourite doctrine of Vital Spirit, or excitability, or life, which he notices in various parts of his works. (*c*)

In this place more cannot be attempted than, as a specimen of the whole of this important subject, to explain one or two of the positions.

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14. Revivifying.

9. Softening hard spirits. 10. Purging old juices.

15. The porches of death. 16. Differences of youth and age. 17. Causes of life and death.

(*c*) An imperfect outline may be thus exhibited:

1. Every tangible body contains a spirit.
2. The spirit is imperceptible by the senses.
3. The spirit is but little known because it is imperceptible by the senses.
4. This science is of great importance.

These general observations are explained by a particular investigation of the various properties of spirit.

I. Quantity of spirit.
   1. How generated.
   2. Of condensing and dilating the spirit.
   3. Detention of spirit.
   4. Exhaustion of spirit.

II. Quality of spirit.
   1. Different spirits of different bodies, and different sorts of spirits in the same body.
   2. Of preserving the spirit young and vigorous.
   3. Hot and cold.
   4. Active and quiescent.

III. Regulation of spirit.

IV. Of the perceptible effects of spirit upon the body.

Sylva Sylvarum, Century 1, Art. 98, v. iv. p. 61. Fable of Proserpine, in the Wisdom of the Ancients, vol. iii. p. 88; and in the History of Henry VII. in his observations on the sweating sickness.

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The foundation position is, that "All tangible bodies contain a spirit enveloped with the grosser body. There is no known body, in the upper parts of the earth, without its spirit, whether it be generated by the attenuating and concocting power of the celestial warmth, or otherwise; for the pores of tangible bodies are not a vacuum, but either contain air, or the peculiar spirit of the substance; and this not a vis, an energy, or a fiction, but a real, subtile, and invisible, and, therefore, neglected body, circumscribed by place and dimension." (*a*)

All bodies have a spirit.

This doctrine is thus stated in the Excursion:

> "To every form of being is assigned
> An *active* principle, howe'er removed
> From sense and observation; it subsists
> In all things, in all natures, in the stars
> Of azure heaven, the unenduring clouds,
> In flower and tree, and every pebbly stone
> That paves the brooks, the stationary rocks,
> The moving waters, and the invisible air.
> Whate'er exists hath properties that spread
> Beyond itself, communicating good,
> A simple blessing or with evil mixed:
> Spirit that knows no insulated spot,
> No chasm, no solitude: from link to link
> It circulates, the soul of all the worlds." (*b*)

(*a*) "The knowledge of man (hitherto) hath been determined by the view or sight; so that whatsoever is invisible, either in respect of the fineness of the body itself, or the smallness of the parts, or of the subtilty of the motion, is little inquired. The spirits, or pneumaticals, that are in all tangible bodies, are scarce known. Sometimes they take them for vacuum; whereas they are the most active of bodies. Sometimes they take them for air; from which they differ exceedingly, as much as wine from water, and as wood from earth. Sometimes they will have them to be natural heat, or a portion of the element of fire; whereas some of them are crude and cold. And sometimes they will have them to be the virtues and qualities of the tangible parts, which they see; whereas they are things by themselves, and then, when they come to plants and living creatures, they call

(*b*) Excursion, B. 9. See note (*a*), next page.

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As another specimen, the mode of explaining the condensation of spirit by *flight* may be selected.

Flight. The spirit, he says, is condensed by flight,—cold,—appeasing, and quelling. The condensation by *flight* is when there is an antipathy between the spirit and the body upon which it acts; as, in opium, which is so exceedingly powerful in condensing the spirit, that a grain will tranquillize the nerves, and by a few grains they may be so compressed as to be irrecoverable. The touched spirit may retreat into its shell for a time or for ever; or it may, when fainting, be recalled, by the application of a stimulant, as surprise from a sudden impulse; a blow, or a glass of water thrown on the face; or the prick of a pin, or the action of mind on mind.

> "I am not sick, if Brutus have in hand
> Any exploit worthy the name of honour."

Death. As another specimen, his sentiments upon Death, the decomposition of compounds, may be selected.

In his doctrine of motion, he says, "The political motion is that by which the parts of a body are restrained, from their own immediate appetites or tendencies to unite in such a state as may preserve the existence of the whole body. Thus, the spirit, which exists in all living bodies, keeps all the parts in due subjection; when it escapes, the body decomposes, or the similar parts unite — as

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them souls. And such superficial speculations they have; like prospectives, that shew things inward, when they are but paintings."—Sylva, Exp. 98.

(*a*) Principio cœlum, ac terras, camposq: liquentes,
Lucentemq: globum lunæ, Titaniaq: astra,
Spiritus intus alit totamq: infusa per artus
Mens agitat molem, et magno se corpore miscet.—Æneid.

Plato's doctrine, respecting the "Anima Mundi," or soul of the world, pervading and vivifying all created things, see Berkeley's Sins, p. 133, and Mandeville on Hypochondriacism.

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metals rust, fluids turn sour; and, in animals, when the spirit which held the parts together escapes, all things are dissolved, and return to their own natures or principles: the oily parts to themselves, the aqueous to themselves, &c. upon which necessarily ensues that odour, that unctuosity, that confusion of parts, observable in putrefaction." So true is it, that in nature all is beauty; that, notwithstanding our partial views and distressing associations, the forms of death, misshapen as we suppose them, are but the tendencies to union in similar natures.

Importance of the science.

The knowledge of this science Bacon considers of the utmost importance to our well being:—that the action of the spirit is the cause of consumption and dissolution;—is the agent which produces all bodily and mental effects;—influences the will in the production of all animal motions, as in the whale and the elephant;—and is the cause of all our cheerfulness or melancholy:—that the perfection of our being consists, in the proper portion of this spirit properly animated, or the proper portion of excitability properly excited;—that its presence is life, its absence death.

This subject, deemed of such importance by Bacon, has been much neglected, and occasionally been supposed to be a mere creature of the imagination. (*a*)

(*a*) Shaw, in his edition of Bacon says, "The whole of this inquiry still remains strangely neglected, to the great disadvantage of natural philosophy, which seems almost a dead thing without it."

Dugald Stuart, in his dissertation, says, "If on some occasions, he assumes the existence of animal spirits, as the medium of communication between soul and body, it must be remembered that this was then the universal belief of the learned; and that it was at a much later period not less confidently avowed by Locke. Nor ought it to be overlooked (I mention it to the credit of both authors), that in such instances the fact is commonly so stated, as to render it easy for the reader to detach it from the theory. As to the scholastic questions concerning the nature and essence of mind,—whether it be extended or unextended? whether it have any relation to space or to time? or whether (as was contended by others)

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Although the History of Life and Death is apparently a separate tract, it is the last portion of the third of the six books into which the third part of the Instauration is divided,(*a*) which are the histories of

1st. The Winds.
2nd. Density and Rarity.
3rd. Heavy and Light.
4th. Sympathy and Antipathy.
5th. Sulphur, Mercury, and Salt.
6th. Life and Death.

His reason for the publication of this tract, he thus states: "Although I had ranked the History of Life and Death as the last among my six monthly designations; yet I have thought fit, in respect of the prime use thereof, in which the least loss of time ought to be esteemed precious, to invert that order."

The History, which was published in Latin, is inscribed "To the present age and posterity, in the hope and wish that it may conduce to a common good, and that the nobler sort of physicians will advance their thoughts, and not employ their times wholly in the sordidness of cures, neither be honoured for necessity only, but that they will become coadjutors and instruments of the divine omnipotence and clemency in prolonging and renewing the life of man, by safe, and convenient, and civil ways, though hitherto unassayed."

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it exist in every ubi, but in no place? Bacon has uniformly passed them over with silent contempt; and has probably contributed not less effectually to bring them into general discredit, by this indirect intimation of his own opinion, than if he had descended to the ungrateful task of exposing their absurdity."

(*a*) The two first, the Division of the Sciences and the Novum Organum, have already been explained, ante, p. cxxxv and cclxvii.

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This was the last of his philosophical publications during his life; but they were only a small portion of his labours, which are thus recorded by Dr. Rawley:—"The last five years of his life, being withdrawn from civil affairs and from an active life, he employed wholly in contemplation and studies: a thing whereof his lordship would often speak during his active life, as if he affected to die in the shadow, and not in the light. During this time he composed the greatest part of his books and writings, both in English and Latin, which I will enumerate, as near as I can, in the just order wherein they were written.

Works after his retirement.

The History of the Reign of King Henry the Seventh. (*b*)
Abecedarium Naturæ; or a Metaphysical Piece. (*c*)
Historia Ventorum. (*d*)
Historia Vitæ et Mortis. (*e*)
Historia Densi, et Rari. (*f*)
Historia Gravis et Levis.
A discourse of a War with Spain. (*h*)
A dialogue touching an Holy War. (*i*)
The fable of the New Atlantis. (*k*)
A preface to a Digest of the Laws of England. (*l*)
The beginning of the History of the Reign of King Henry the Eighth. (*m*)
De Augmentis Scientiarum; (*n*) or the Advancement of Learning: put into Latin, with several enrichments and enlargements.
Counsels, civil and moral; or his book of Essays, likewise enriched and enlarged. (*o*)

(*b*) Vol. iii. p. 100.
(*c*) Vol. xi. p. 219.
(*d*) Vol. x. p. 15.
(*e*) Vol. x. p. 111.
(*f*) Vol. x. p. 381.
(*h*) Vol. vii. p. 237.
(*i*) Vol. vii. p. 118.
(*k*) Vol. ii. p. 319.
(*l*) Vol. iii. p. 353.
(*m*) Vol. iii. p. 418.
(*n*) Vols. viii. and ix.
(*o*) Vol. i.

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The conversion of certain Psalms into English verse. (*p*)
The translation into Latin of the History of King Henry the Seventh; of the Counsels, civil and moral; (*r*) of the dialogue of the Holy War; (*s*) of the fable of the New Atlantis: (*t*) for the benefit of other nations.
His revising of his book De Sapientia Veterum. (*u*)
Inquisitio de Magnete. (*x*)
Topica Inquisitionis; de Luce, et Lumine. (*y*)
Lastly, Sylva Sylvarum; or the Natural History. (*z*)

"He also designed, upon the motion and invitation of his late majesty, to have written the Reign of King Henry the Eighth; (*a*) but that work perished in the designation merely, God not lending him life to proceed further upon it than only in one morning's work: whereof there is extant an Ex Ungue Leonem."

Such were his works during the short period, when between sixty and seventy years of age, he, fortunately for himself and society, was thrown from active into contemplative life; into that philosophical seclusion, where he might turn from calumny, from the slanders of his enemies, to the admiration of all civilized Europe; from political rancour and threats of assassination to the peaceful safety of sequestered life; from the hollow compacts which politicians call union, formed by expediency and dissolved at the first touch of interest, to the enduring joys of intellectual and virtuous friendship and the consolations of piety. (*b*)

(*p*) Vol. vii. p. 98. (*r*) Vol. xv. (*s*) Vol. vii.
(*t*) Vol. ii. (*u*) Vol. iii. (*x*) Vol. xi. p. 227.
(*y*) Vol. x. p. 440. (*z*) Vol. iv. (*a*) Vol. iii. p. 418.

(*b*) Such are the joys of active intellectual seclusion. "Si Descartes eut quelques foiblesses de l'humanité, il eut aussi les principales vertus du philosophe. Sobre, tempérant, ami de la liberté et de la retraite, reconnoissant liberal, sensible à l'amitié, tendre, compatissant, il ne connoissoit

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These blessings he now enjoyed. Eminent foreigners crossed the seas on purpose to see and discourse with him. (*a*)

Gondomar, who was in Spain, wrote to express his regard and respect, with lamentations that his public duties prevented his immediate attendance upon him in England. (*b*) Gondomar

When the Marquis d'Effiat accompanied the Princess Henrietta-Maria, wife to Charles the First, to England, he visited Lord Bacon; who, being then sick in bed, received him with the curtains drawn. "You resemble D'Effiat.

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que les passions douces et savoit résister aux violentes. 'Quand on me fait offense,' disoit-il, 'je tâche d'élever mon ame si haut, que l'offense ne parvienne pas jusqu'à elle.' L'ambition ne l'agita pas plus que la vengeance. Il disoit, comme Ovide, 'Vivre caché, c'est vivre heureux.'—Newton étoit doux, tranquille, modeste, simple, affable, toujours de niveau avec tout le monde, il ne se démentit point pendant le cours de sa longue et brillante carrière. Il auroit mieux aimé être inconnu, que de voir le calme de sa vie troublé par ces orages littéraires, que l'esprit et la science attirent à ceux qui cherchent trop la gloire. 'Je me reprocherois,' disoit-il, 'mon imprudence, de perdre une chose aussi réelle que le repos, pour courir après un ombre.'"

(*a*) Rawley.

(*b*) See his correspondence with Gondomar, vol. xii. pp. 407-8, 441, 443. The following is a translation from a Spanish letter of Gondomar:

"Most illustrious Sir,—Having received so many kindnesses and good wishes from your illustrious lordship in your prosperity, I deem it one of my greatest misfortunes my not being able to serve you as duty and gratitude require of me now you are in adversity. Still greater is my misfortune, since my presence here is now useless; for much as I have desired to express all I feel, and to salute you personally, I am constrained to refrain therefrom, lest I should give you offence, and this I assure you has occasioned me much grief, not being able to do all I would wish. Nevertheless I will do all that I can, and if your lordship judges the intercession of the King my master with his majesty the King of Great Britain can be of any service to your affairs, I will represent the same to him, fully assured that his Catholic majesty will interpose with much pleasure. I shall always be devotedly at the service of your lordship, and praying God to preserve you many happy years. The Count de Gondomar."

"June 14, 1621."

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the angels," said that minister to him: "we hear those beings continually talked of, we believe them superior to mankind, and we never have the consolation to see them." "Your kindness," he answered, "may compare me to an angel, but my infirmities tell me that I am a man." In this interview a friendship originated which continued during their lives, and is recorded in his will, where amongst his legacies to his friends, he says, "I give unto the right honourable my worthy friend, the Marquis Fiatt, late lord ambassador of France, my books of orisons or psalms curiously rhymed." As a parent he wrote to the marquis, who esteemed it to be the greatest honour conferred upon him to be called his son. He caused his Essays and treatise De Augmentis to be translated into French; and, with the affectionate enthusiasm of youth, upon his return to France, requested and obtained his portrait. (*a*)

Julius Cæsar.

His friendship with Sir Julius Cæsar, Master of the Rolls, continued to his death. (*b*)

(*a*) Rawley.

(*b*) "Sir Julius Cæsar (Master of the Rolls) sent to his lordship in his necessity an hundred pounds for a present."—Aubrey.

Life of Cæsar, p. 31.—"To recur to the private life of Sir Julius Cæsar; his love of domestic society, his affection for his younger progeny, and the necessity of female superintendence to the economy of an enlarged household establishment, combined to induce him, though now somewhat advanced in years, to take a third wife. On the 19th of April, 1615, he was married at the Rolls Chapel to Mrs. Anne Hungate, a widow, of an age not unsuitable to his own. She was a daughter of Henry Wodehouse, of Waxham in Norfolk, Esq. by Anne, one of the daughters of Sir Nicholas Bacon, Lord Keeper of the Great Seal, and had been first married to William Hungate, of East Bradenham in Norfolk, Esq. Her hand was given to Sir Julius Cæsar at the nuptial ceremony by her uncle, the great Sir Francis Bacon, then Attorney General, and the friendship which had long subsisted between these two eminent persons was strengthened and confirmed by this marriage. He found an asylum in the bosoms of his nephew and niece; composed many of his immortal works in an utter retirement in the house of Sir Julius Cæsar, and expired in his arms."

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Selden, the chief of learned men reputed in this land,(a) expressed his respect, with the assurance that "never was any man more willing or ready to do your lordship's service than myself." (b) Selden.

Ben Jonson, not in general too profuse of praise, says, "My conceit of his person was never increased toward him by his place or honours; but I have and do reverence him for the greatness that was only proper to himself, in that he seemed to me ever by his works one of the greatest men, and most worthy of admiration that had been in many ages: in his adversity, I ever prayed that God would give him strength, for greatness he could not want; neither could I condole in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest." (c) Ben Jonson.

Sir Thomas Meautys stood by him to his death with a firmness and love which does honour to him and to human nature. Meautys.

His exclusion from the verge of the court had long been remitted; and, in the beginning of the year 1624, the whole of the parliamentary sentence (d) was pardoned, 1624. Æt. 64. Pardon.

(a) So described by Milton in his speech for the liberty of unlicensed printing.

(b) See vol. xii. p. 421. (c) Under woods.

(d) To the Earl of Oxford.

My very good Lord,—Let me be an humble suitor to your lordship, for your noble favour. I would be glad to receive my writ this parliament, that I may not die in dishonour; but by no means, except it should be with the love and consent of my lords to re-admit me, if their lordships vouchsafe to think me worthy of their company; or, if they think that which I have suffered now these three years, in loss of place, in loss of means, and in loss of liberty for a great time, to be a sufficient expiation for my faults, whereby I may now seem in their eyes to be a fit subject of their grace, as I have been before of their justice. My good lord, the good which the commonwealth might reap of my suffering is already inned. Justice is done; an example is made for reformation; the authority of the

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by a warrant which stated that, "calling to mind the former good services of the Lord St. Albans, and how well and profitably he hath spent his time since his trouble, we are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare, for our signature, a bill containing a pardon of the whole sentence." (*a*)

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house for judicature is established. There can be no farther use of my misery; perhaps some little may be of my service; for, I hope, I shall be found a man humbled as a Christian, though not dejected as a worldling. I have great opinion of your lordship's power, and great hope, for many reasons, of your favour, which if I may obtain, I can say no more, but nobleness is ever requited in itself; and God, whose special favour in my afflictions I have manifestly found to my comfort, will, I trust, be my paymaster of that, which cannot be requited by

Your Lordship's affectionate humble servant, &c.

Sir Francis Bacon to the King, about the Pardon of the Parliament's Sentence.

Most gracious and dread Sovereign,—I desire not from your majesty means, nor place, nor employment, but only, after so long a time of expiation, a complete and total remission of the sentence of the upper house, to the end that blot of ignominy may be removed from me, and from my memory with posterity, that I die not a condemned man, but may be to your majesty, as I am to God, "nova creatura."

(*a*) To our trusty and well beloved Thomas Coventry, our Attorney General.

Trusty and well beloved, we greet you well: Whereas our right trusty and right well beloved cousin, the Viscount of St. Alban, upon a sentence given in the upper house of parliament full three years since, and more, hath endured loss of his place, imprisonment, and confinement also for a great time, which may suffice for the satisfaction of justice and example to others: we being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his trouble, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and

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This was one of the last of the King's acts, who thus faithfully performed, to the extent of his ability, all his promises. He died at Theobalds, on the 27th of March, 1625. (a) A. D. 1625. Æt. 65. Death of James.

His lordship was summoned to parliament in the succeeding reign, but was prevented, by his infirmities, from again taking his seat as a peer.

Though Lord Bacon's constitution had never been strong, his temperance and management of his health seemed to promise old age, which his unbounded knowledge and leisure for speculation could not fail to render useful to the world and glorious to himself. The retirement, which in all the distractions of politics refreshed and consoled him, was once more his own, and nature, whom he worshipped, spread her vast untrodden fields before him, where with science as his handmaid he might wander at his will; but the expectations of the learned world and the hopes of his devoted friends were all blighted by a perceptible decay of his health and strength in the beginning of the sickly year of 1625. Decline of his health.

During this year his publications were limited to a new edition of his Essays,(b) a small volume of Apothegms,(c) Apothegms.

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disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare, for our signature, a bill containing a pardon, in due form of law, of the whole sentence; for which this shall be your sufficient warrant.

(a) See an interesting account of his death in Hacket's Life of Williams.

(b) The particulars of this edition have been already explained.—See note 3 I.

(c) Bacon's Apothegms are either, 1st. In this his own publication. 2ndly. A few in the Baconiana. 3rdly. A few in Aubrey. Of the Apophthegms published in 1625 the following is the preface by Lord Bacon:—"Julius Cæsar did write a collection of apophthems, as appears in an epistle of Cicero. I need say no more for the worth of a writing of that nature. It is pity his book is lost; for I imagine they were collected with

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the production, as a recreation in sickness, of a morning's dictation, and a translation of a few of the Psalms of

judgment and choice, whereas that of Plutarch and Stobœus, and much more the modern ones, draw much of the dregs. Certainly they are of excellent use: they are Mucrones Verborum, pointed speeches. Cicero prettily calls them salinas, salt pits, that you may extract salt out of, and sprinkle it where you will. They serve to be interlaced in continued speech: they serve to be recited upon occasion of themselves: they serve, if you take out the kernel of them, and make them your own. I have for my recreation in my sickness fanned the old; not omitting any because they are vulgar (for many vulgar ones are excellent good), nor for the meanness of the person, but because they are dull and flat, and added many new that otherwise would have died."

In his tract on history in the Advancement of Learning, Bacon says, "There are appendices of history conversant about the words of men, as history itself about the deeds: the partitions thereof into Orations, Letters, and Apophthegms."

Archbishop Tennison, in his Baconiana, page 47, says, "The Apophthegms (of which the first is the best edition) were (what he saith also of his Essays) but as the recreations of his other studies. They were dictated one morning out of his memory; and if they seem to any a birth too inconsiderable for the brain of so great a man, they may think with themselves how little a time he went with it, and from thence make some allowance." He occasionally made great use of these Apothegms, as may be seen by comparing Apophthegms 251, page 403, with the same anecdote as incorporated in the Advancement of Learning, vol. ii. page 224.

The different editions are:—1st edition. The title page "Apophthegmes, New and Old, collated by the Right Honorable Francis Lo. Verulam, Viscount St. Alban. London, printed for Hanna Barret and Richard Whittaker, and are to be sold at the King's Head in Paul's Church, 1625." 12mo. 307 pages, and 280 Apothegms. This Tennison, in the Baconiana, p. 47, says is the best edition.

2nd. In 1658 an edition was published. Here are 184 Apothegms of Bacon: it is a 12mo. This seems to have been reprinted in 1669. I have never seen a copy; but the following is from the Baconiana, where Tennison says, "His lordship hath received much injury by late editions, of which some have much enlarged, but not at all enriched the collection; stuffing it with tales and sayings, too infacetious for a ploughman's chimney corner. And particularly, in the collection not long since published, and called the Apothegms of King James, King Charles, the Marquess of Worcester, the Lord Bacon, and Sir Thomas Moor; his lordship is dealt with very rudely. For besides the addition of insipid

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David into English verse,(*a*) which he dedicated to a divine and poet, his friend, the learned and religious George Herbert.(*b*) This was the last exercise, in the Psalms.

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tales, there are some put in which are beastly and immoral: such as were fitter to have been joined to Aretine, or Aloysia, than to have polluted the chaste labours of the Baron of Verulam."

3rd. In 1661 an edition of the Apothegms was published in the 2nd edition of the Resuscitatio. It consists only of 249 Apothegms, the edition published by Lord Bacon in 1625 consisting of 280. As this edition of the Rescuscitation was published during the life of Dr. Rawley, and as Lord Bacon says in his preface, "I have collated some few of them, therein fanning the old," it seems that Dr. Rawley may have seen the MSS. and that these additions are genuine. It will be observed that they are fewer in number; and, although some are the same, there are many which are not contained in the first edition.—See Stephens's preface to the Memoirs, published in 1734.

4th. In the 3rd edition of the Resuscitatio, published in 1671, there is another edition of the Apothegms, being 308 in number. Dr. Rawley died in 1667.

The 5th edition is a 12mo. It contains, as in the 4th edition, 308 Apothegms.

In this edition of the works of Bacon I separated the Apothegms which were in the edition of 1625, being 280 in number, from the additional Apothegms in the Resuscitatio, such additional Apothegms being 28 in number.

(*a*) Published in 8vo. 1628, and in the Resuscitation, and in vol. vii. of this edition, p. 98.

(*b*) TO HIS VERY GOOD FRIEND,
MR. GEORGE HERBERT.

The pains that it pleased you to take about some of my writings I cannot forget, which did put me in mind to dedicate to you this poor exercise of my sickness. Besides, it being my manner for dedications, to choose those that I hold most fit for the argument, I thought, that in respect of divinity and poesy met, whereof the one is the matter, the other the style of this little writing, I could not make better choice: so, with signification of my love and acknowledgment, I ever rest your affectionate friend,

FR. ST. ALBAN.

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time of his illness, of his pious mind; and a more pious mind never existed. (*a*)

Confession of Faith.

There is scarcely a line of his works in which a deep, awful, religious feeling is not manifested. It is, perhaps, most conspicuous in his Confession of Faith, (*b*) of which

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Of these, the 107th seems to be the best. Vol. vii. p. 100. But Q. Has there ever been a version approaching to the excellence of the original prose translation?

(*a*) Preface to vol. vii. Archbishop Tennison says, "His writings upon pious subjects were only these: his Confession of Faith, written by himself in English, and turned into Latin by Dr. Rawley, the questions about an Holy War, and the Prayers, in these remains, and a translation of certain of David's Psalms into English verse. With this last pious exercise he diverted himself in the time of his sickness, in the year twenty-five. When he sent it abroad into the world, he made a dedication of it to his good friend, Mr. George Herbert, for he judged the argument to be suitable to him, in his double quality of a divine and a poet."

(*b*) See vol. vii. p. 10. Of the authenticity of this essay no doubt can be entertained: it was published in a separate tract in 1641. The following is an exact transcript of the title page: "The Confession of Faith," written by Sir Francis Bacon, printed in the year 1641. In the title page there is a wood engraving of Sir Francis Bacon, it is a thin 4to. of twelve pages, without any printer's name. Mr. D'Israeli kindly lent me a copy. It is similar, but not the same as the present copy. It was also published by Dr. Rawley, in the Resuscitatio, 1657, by whom it was translated into Latin, and published in the Opuscula varia posthuma. Londini, ex officina, R. Danielis, 1658. In his life he says, "Supererat tandem scriptum illud Confessionis Fidei; quod auctor ipse, plurimis ante obitum annis, idiomate Anglicano concepit: operæ pretium mihi visum est Romana civitate donare; quo non minus exteris, quam popularibus suis, palam fiat, qua fide imbutus, et quibus mediis fretus, illustrissimus heros, animam Deo reddiderit; et quod theologicis studiis, æque ac philosophicis et civilibus, cum commodum esset, vacaverit. Fruere his operibus, et scientiarum antistitis olim Verulamii ne obliviscaris. Vale."

Of the Confession of Faith there are various MSS. in the British Museum; Sloane's 23, 2 copies; Harleian, vol. 2, 314; vol. 3, 61; Hargraves, p. 62; the MSS. Burch, 4263, is, I suspect, in Lord Bacon's own writing, with his signature. It is stated in one of the MSS. to have been written before or when Sir Francis Bacon was Solicitor General, and in the Remains it is entitled, "Confession of Faith, written by Sir

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Dr. Rawley says, "For that treatise of his lordship's, inscribed, A Confession of the Faith, I have ranked that in the close of this whole volume; thereby to demonstrate to the world that he was a master in divinity, as well as in philosophy or politics, and that he was versed no less in the saving knowledge than in the universal and adorning knowledges; for though he composed the same many years before his death, yet I thought that to be the fittest place, as the most acceptable incense unto God of the faith wherein he resigned his breath; the crowning of all his other perfections and abilities; and the best perfume of his name to the world after his death. This confession of his faith doth abundantly testify that he was able to render a reason of the hope which was in him." (*a*)

It might be said of him, as one of the most deep thinking of men said of himself, "For my religion, though there be several circumstances that might persuade the world I have none at all, yet, in despight thereof, I dare, without usurpation, assume the honourable style of a christian: not that I merely owe this title to the font, my education,

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Francis Bacon, Knight, Viscount St. Albans, about the time he was Solicitor General to our late sovereign lord King James."

This tract was republished in 1757. A Confession of Faith, written by the Right Honourable Francis Bacon, Lord Verulam, republished with a preface on the subject of authority in religious matters, and adapted to the exigency of the present times. London, printed for W. Owen, at Temple Bar, 1757. 8vo. pp. 26

(*a*) This tract is thus noticed by Archbishop Tennison in the Baconiana. His Confession of Faith, written by him in English, and turned into Latin by Dr. Rawley, upon which there was some correspondence between Dr. Maynwaring and Dr. Rawley. See vol. xii. of this edit. p. 209. —It is stated in one of the MSS. to have been written before or when Sir Francis Bacon was Solicitor General, and in the Remains it is entitled, "Confession of Faith, written by Sir Francis Bacon, knight, Viscount St. Albans, about the time he was Solicitor General to our late sovereign lord King James."

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or clime wherein I was born, but having, in my riper years and confirmed judgment, seen and examined all, I find myself bound by the principles of grace and the law of mine own reason to embrace no other religion than this. (*a*)

Prayers. From his Prayers, found after his death, his piety cannot be mistaken. (*b*) They have the same glory around

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(*a*) See Sir Thomas Browne's Religio Medici, of which my excellent friend, Charles Lamb has, with his usual sweet and deep feeling, thus spoken: "I wonder and admire his entireness in every subject that is before him. He follows it, he never wanders from it, and he has no occasion to wander; for whatever happens to be the subject, he metamorphoses all nature into it. In that treatise on some urns dug up in Norfolk, how earthy, how redolent of graves and sepulchres is every line! You have now dark mould, now a thigh-bone, now a skull, then a bit of a mouldered coffin, a fragment of an old tomb-stone with moss in its "Hic jacet," a ghost or a winding-sheet, or the echo of a funeral psalm wafted on a November wind; and the gayest thing you shall meet with shall be a silver nail or a gilt "Anno Domini," from a perished coffin top."

The whole of the passage is as follows: "For my religion, though there be several circumstances that might persuade the world I have none at all, as the general scandal of my profession, the natural course of my studies, the indifferency of my discourse, and behaviour in matters of religion, neither violently defending one nor with common ardour or contention opposing another, yet in despight hereof I dare without usurpation assume the honourable style of a christian: not that I merely owe this title to the font, my education, or clime wherein I was born, as being bred up either to confirm those principles my parents instilled into my unwary understanding, or by a general consent proceed in the religion of my country; but having in my riper years and confirmed judgment seen and examined all, I find myself obliged, by the principles of grace and the law of mine own reason, to embrace no other name than this. Neither doth herein my zeal so far make me forget the general charity I owe unto humanity, as rather to hate than pity Turks, Infidels, and Jews, rather contenting myself to enjoy that happy style than maligning those who refuse so glorious a title. But because the name of christian is become too general to express our faith, to be particular, I am of that reformed new-cast religion, wherein I dislike nothing but the name: of the same belief our Saviour taught, the apostles disseminated, the fathers authorized, and the martyrs confirmed."

(*b*) Vol. vii. p. 3. Of the prayers the first, entitled, "A Prayer, or Psalm, made by the Lord Chancellor of England," is in the Resuscitatio;

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them, whether they are his supplications as a student, as an author, or as a preserver, when Chancellor, of the religious sentiments of the country.

As a student, he prays, that he may not be inflated or misled by the vanity which makes man wise in his own conceit: "To God the Father, God the Word, God the Spirit, we put forth most humble and hearty supplications, that human things may not prejudice such as are divine; neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, any thing of incredulity or intellectual night may arise in our minds towards divine mysteries." (*b*) Student's prayer.

As an author (*c*) he prays in the same spirit: "Thou, O Father, who gavest the visible light as the first-born of thy creatures, and didst pour into man the intellectual light as the top and consummation of thy workmanship, be pleased to protect and govern this work, which coming from thy goodness, returneth to thy glory." Author's prayer.

The same spirit did not forsake him when Chancellor: "Most gracious Lord God, my merciful Father from my youth up, my Creator, my Redeemer, my Comforter. Remember, O Lord, how thy servant hath walked before thee: remember what I have first sought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the divisions of thy church: I have delighted in the brightness of thy sanctuary. This vine, which thy right hand hath planted in this nation, I have ever prayed unto thee that it might have the first and the latter rain; and that it might stretch her branches to the seas and to the floods. Thy creatures have been Chancellor's prayer.

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the second prayer, entitled, "A Prayer made and used by the Lord Chancellor Bacon," is in the Remains; and the two remaining prayers, "The Student's Prayer," and "The Writer's Prayer," are in the Baconiana.

(*b*) Vol. vii. p. 8. (*c*) Vol. vii. p. 9.

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my books, but thy scriptures much more. I have sought thee in the courts, fields, and gardens, but I have found thee in thy temples." (*a*)

Instauration.

The same holy feeling appears in all his important works. The preface to his Instauratio Magna opens (*b*) and concludes (*c*) with a prayer. The treatise "De

(*a*) Vol. vii. p. 5.

(*b*) "We in the beginning of our work pour forth most humble and ardent prayers to God the Father, God the Word, and God the Spirit, that mindful of the cares of man, and of his pilgrimage through this life, in which we wear out some few and evil days, thou would vouchsafe through our hands to endow the family of mankind with these new gifts; and we moreover humbly pray that human knowledge may not prejudice divine truth, and that no incredulity and darkness in regard to the divine mysteries may arise in our minds upon the disclosing of the ways of sense, and this greater kindling of our natural light; but rather that from a pure understanding, cleared of all fancies and vanity, yet no less submitted to, nay wholly prostrate before the divine oracles, we may render unto faith the tribute due unto faith: and lastly, that being freed from the poison of knowledge, infused into it by the serpent, and with which the human soul is swoln and puffed up, we may neither be too profoundly nor immoderately wise, but worship truth in charity."*

(*c*) The preface to the Instauration concludes thus: "Neque enim hoc sinerit Deus, ut phantasiæ nostræ somnium pro exemplari mundi edamus: sed potius benigne faveat, ut apocalypsim, ac veram visionem vestigiorum et sigillorum Creatoris supercreaturas, scribamus. Itaque tu, Pater, qui lucem visibilem primitias creaturæ dedisti, et lucem intellectualem ad fastigium operum tuorum in faciem hominis inspirasti; opus hoc, quod a tua bonitate pro-

* Vol. ix. p. 260.

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Augmentis Scientiarum" abounds with religious sentiments, contains two tracts, one upon natural, the other upon revealed religion, "the sabbath and port of all men's labours:" and concludes, "Attamen, quoniam etiam res quæque

De Augmentis.

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fectum, tuam gloriam repetit, tuere et rege. Tu, postquam conversus es ad spectandum opera, quæ fecerunt manus tuæ vidisti quod omnia essent bona valde; et requievisti. At homo, conversus ad opera, quæ fecerunt manus suæ, vidit quod omnia essent vanitas et vexatio spiritus; nec ullo modo requievit. Quare si in operibus tuis sudabimus, facies nos visionis tuæ et sabbati tui participes. Supplices petimus, ut hæc mens nobis constet: utque novis eleemosynis per manus nostras et aliorum, quibus eandem mentem largieris, familiam humanam dotatam velis."*

"May God never permit us to give out the dream of our fancy as a model of the world, but rather in his kindness vouchsafe to us the means of writing a revelation and true vision of the traces and stamps of the Creator on his creatures. May thou, therefore, O Father, who gavest the light of vision as the first fruits of creation, and hast inspired the countenance of man with the light of the understanding as the completion of thy works, guard and direct this work, which, proceeding from thy bounty, seeks in return thy glory. When thou turnedst to look upon the works of thy hands, thou sawest that all were very good and restedst. But man, when he turned towards the works of his hands, saw that they were all vanity and vexation of spirit, and had no rest. Wherefore if we labour in thy works, thou wilt make us partakers of that which thou beholdest and of thy rest. We humbly pray that our present disposition may continue firm, and that thou mayest be willing to endow thy family of mankind with new gifts through our hands, and the hands of those to whom thou wilt accord the same disposition."

* Vol. ix. p. 178.

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maximæ initiis suis debentur, mihi satis fuerit sevisse posteris et Deo immortali: cujus numen supplex precor, per filium suum et servatorem nostrum, ut has et hisce similes intellectus humani victimas, religione tanquam sale respersas, et gloriæ suæ immolatas, propitius accipere dignetur." In the midst of his profound reasoning in the Novum Organum, there is a passage in which his opinion of our incorporeal nature is disclosed. (*x*) And the third part of the Instauration concludes thus: "Deus Universi Conditor, Conservator, Instaurator, hoc opus, et in ascensione ad gloriam suam, et in descensione ad bonum humanum pro sua erga homines, benevolentia, et misericordia, protegat et regat, per Filium suum unicum, nobiscum Deum."

Novum Organum.

3rd Part Instauratio

Minor publications.

In his minor publications the same piety may be seen. It appears in the Meditationes Sacræ; (*a*) in the Wisdom of the Ancients; (*b*) in the Fables of Pan, (*c*) of Prometheus, (*d*) of Pentheus, (*e*) and of Cupid: (*f*) in various parts of the Essays, but particularly in the Essay on Atheism (*g*) and Goodness of Nature: (*h*) in the New Atlantis: (*i*) in his tract, "De principiis," and the tract, entitled "The Conditions of Entities. (*k*)

(*x*) "Quare actio magnetica poterit esse instantia diuortii circa naturam corpoream, et actionem naturalem. Cui hoc adjici potest tanquam corollarium aut lucrum non prætermittendum: viz. quod etiam secundum sensum philosophanti sumi possit probatio, quod sint entia et substantiæ separatæ et incorporeæ. Si enim virtus et actio naturalis, emanans a corpore, subsistere possit aliquo tempore, et aliquo loco, omnino sine corpore; prope est ut possit etiam emanare in origine sua a substantia incorporea. Videtur enim non minus requiri natura corporea ad actionem naturalem sustentandam et deprehendam, quam ad excitandum aut generandam."

(*a*) See vol. i. p. 203, and preface to vol. i. p. xxiii.

(*b*) Vol. iii. p. 1, and preface, p. 2. (*c*) Vol. iii. p. 11.

(*d*) Vol. iii. p. 68. (*e*) Vol. iii. p. 29. (*f*) Vol. iii. p. 43.

(*g*) Vol. i. p. 53. (*h*) Vol. i. p. 40. (*i*) Vol. ii. p. 336.

(*k*) Baconiana, p. 91. It concludes thus: "This is the form and rule

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There is a tract entitled, "The Characters of a believing christian, in paradoxes and seeming contradictions," which is spurious. (*a*) Paradoxes.

Such are his religious sentiments in different parts of his works; but they are not confined to his publications. They appear where, according to his own doctrine, our opinions may always be discovered, in his familiar letters, in the testimony of his friends, in his unguarded observations, and in his will.

In a letter to Mr. Mathew, imprisoned for religion, he says, "I pray God, who understandeth us all better than we understand one another, contain you, even as I hope he will, at the least, within the bounds of loyalty to his majesty, and natural piety towards your country." In the decline of his life, in his letter to the Bishop of Winchester, he says, "Amongst consolations, it is not the least to represent to a man's self like examples of calamity in others. In this kind of consolation I have not been wanting to myself, though as a Christian, I have tasted, through God's great goodness, of higher remedies." (*b*) Letters.

In his essay on Atheism there is an observation, which may appear to a superficial observer hasty and unguarded, inconsistent with the language of philosophy, and at variance with his own doctrines. It was written, not in prostration to any idol, but from his horror of the barren and desolate minds that are continually saying, "There is no God," (*c*) and his preference, if compelled to elect, of the least of two errors. "I had rather," he says, "believe all Sceptics.

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of our alphabet. May God the Creator, Preserver, and Restorer of the universe, protect and govern this work, both in its ascent to his glory, and in its descent to the good of mankind, for the sake of his mercy and good will to men, through his only son Immanuel."

(*a*) The evidence of this may be found in the preface to vol. vii.

(*b*) See letter to the Duke of Buckingham, postea, p. 445.

(*c*) See postea, p. 443, note (*a*).

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the fables in the Legend and the Talmud and the Alcoran, than that this universal frame is without a mind." (*a*)

As knowledge consists in understanding the sequence of events, or cause and effect, (*b*) he knew that error must exist not only from our ignorance, but from our knowledge of immediate causes.

In the infancy of his reason, man ascribes events to chance, or to a wrong natural cause, (*c*) or to the imme-

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(*a*) "Great God! I'd rather be
A pagan suckled in a creed outworn:
So might I, standing on this pleasant lea,
Have glimpses that would make me less forlorn;
Have sight of Proteus rising from the sea;
Or hear old Triton blow his wreathed horn."—Wordsworth.

(*b*) All the order and happiness in the world depend upon the regular sequence of events.

"All things that are have some operation not violent or casual. Neither doth any thing ever begin to exercise the same, without some fore-conceived end for which it worketh. And the end which it worketh for is not obtained unless the work be also fit to obtain it by. For unto every end every operation will not serve. That which doth assign unto each thing the kind, that which doth moderate the force and power, that which appoints the form and measure of working, the same we term a law. So that no certain end could ever be attained, unless the actions whereby it is attained were regular, that is to say, made suitable, fit, and correspondent unto their end, by some canon rule of law."—Hooker, Ecclesiastical Polity.

The blessings which result from the regular sequence of events will be evident by a moment's consideration of the misery attendant upon an interruption of this regularity: suppose, for instance, that calculating upon the nutritious effects of food, it was to have the effect of poison, or that sugar had the effect of arsenic; or that fire, instead of exhilarating by a genial warmth, had the violent effects of gunpowder; or that, at the moment of attack, gunpowder ceased to be inflammable, is it not obvious what misery must result?

(*c*) The following anecdote from a sermon of Bishop Latimer will clearly illustrate this: "Here now I remember an argument of Master More's, which he bringeth in a book that he made against Bilney, and here by the way I will tell you a merry toy. Master More was once sent in commission into Kent, to help to try out, if it might be, what was the cause of

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diate interference of a superior benevolent or malevolent being; (*a*) and, having formed an opinion, he entrenches

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Goodwin sands and the shelf that stopped up Sandwich haven. Thither cometh Master More, and calleth the country before him, such as were thought to be men of experience, and men that could of likelihood best certify him of that matter concerning the stoppage of Sandwich haven. Among others came in before him an old man with a white head, and one that was thought to be little less than a hundred years old. When Master More saw this aged man, he thought it expedient to hear him say his mind in this matter, for, being so old a man, it was likely that he knew most of any man in that presence and company. So Master More called this old aged man unto him, and said, Father, tell me, if ye can, what is the cause of this great rising of the sands and shelves here about this haven, the which stop it up, so that no ships can arrive here? Ye are the eldest man that I can espy in all this company, so that if any man can tell any cause of it, ye of likelihood can say most of it, or at leastwise more than any man here assembled. Yea, forsooth, good Master, quoth this old man, for I am well nigh a hundred years old, and no man here in this company any thing near unto my age. Well then, quoth Master More, how say you in this matter? What think ye to be the cause of these shelves and flats that stop up Sandwich haven? Forsooth, sir, quoth he, I am an old man; I think that Tenderden-steeple is the cause of Goodwin sands; for I am an old man, sir, quoth he, and I may remember the building of Tenderden steeple, and I may remember when there was no steeple at all there. And before that Tenderden steeple was in building, there was no manner of speaking of any flats or sands that stopped the haven, and therefore I think that Tenderden steeple is the cause of the destroying and decay of Sandwich haven. And so to my purpose, preaching of God's word is the cause of rebellion, as Tenderden steeple was the cause that Sandwich haven is decayed."

A common instance of this species of error is in the love-note of the spider, called the death watch. Sitting by the bed of a sick or dying friend, when all is still, the noise of the spider is heard a short time before the death of the sufferer; and the events are, therefore, supposed to be connected. Astrology is, perhaps, founded upon this delusion.

(*a*) Near to the Hartz mountains in Germany, a gigantic figure has from time immemorial occasionally appeared in the heavens. It is indistinct, but always resembles the form of a human being. Its appearance has ever been a certain indication of approaching misfortune. It is called the Spectre of the Broken. It has been seen by many travellers. In speaking of it, Monsieur Jordan says, "In the course of my repeated tours through the Hartz mountains, I often, but in vain, ascended the Broken, that I

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himself within its narrow boundaries, or is indolently content without seeking for any remote cause,(q) but

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might see the spectre. At length, on a serene morning, as the sun was just appearing above the horizon, it stood before me, at a great distance, towards the opposite mountain. It seemed to be the gigantic figure of a man. It vanished in a moment." In September, 1796, the celebrated Abbé Haüy visited this country. He says: "After having ascended the mountain for thirty times, I at last saw the spectre. It was just at sunrise, in the middle of the month of May, about four o'clock in the morning. I saw distinctly a human figure of a monstrous size. The atmosphere was quite serene towards the east. In the south-west a high wind carried before it some light vapours, which were scarcely condensed into clouds and hung round the mountains upon which the figure stood. I bowed. The colossal figure repeated it. I paid my respects a second time, which was returned with the same civility. I then called the landlord of the inn; and having taken the same position which I had before occupied, we looked towards the mountain, when we clearly saw two such colossal figures, which, after having repeated our compliment by bending their bodies, vanished.—When the rising sun throws his rays over the Broken upon the body of a man standing opposite to fleecy clouds, let him fix his eye steadfastly upon them, and in all probability he will see his own shadow extending the length of five or six hundred feet, at the distance of about two miles from him."

(q) This is explained by Lord Bacon, in his doctrine of Idols, under the head "Abandoning Universality." He says, "Man has a tendency to abandon universality, that is, to stop too soon in his inquiries, and to conclude that he views the truth which he possesses in all its extent." This may be thus illustrated:—Rings twirled upon an axis appear spheres. A lighted stick, moved quickly in a circle, appears a circle of fire, or what boys call gold lace. A lighted flambeau carried quickly by night appears tailed like a comet. When a musical string is struck, it vibrates, and the strings appear double, treble, &c. These appearances originate in a new impression being made before the effect of a former impression is removed; for if these motions are performed slowly, such appearances do not exist. It may, therefore, be considered a general truth, that when a new impression is made upon the organ of sight before the effect of a former impression is removed, that is, when the motion of impulse is quicker than the motion of recovery, this peculiar effect is produced. Now the position, that "Man has a tendency to abandon universality," assumes that, the mind, having discovered this truth with respect to the sense of seeing, is apt to rest content therewith, without considering that it

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philosophy endeavours to discover the antecedent in the chain of events, (*a*) and looks up to the first cause. (*b*)

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is only a sprout from some general or more universal truth pervading different parts of nature.

That this truth is not confined to the sense of seeing will appear from a few moments' consideration.—Does not gunpowder produce its effect by the rapidity with which the crude spirit of the nitre avoids and flies from fire, where the impelling force is quicker than the force of resistance? are not such great masses of matter as an elephant or a whale moved in the same manner by the repeated action of animal spirit? is not, also, animal spirit itself in the same manner put to flight by the action of opium? Is it not, therefore, an universal truth, that great effects are produced when the motion of impulse is quicker than the motion of recovery?

Again, to fall suddenly from a discord upon a concord is agreeable in music; but this truth is not confined to music: a sudden alteration in tone is often agreeable in public speaking; and it may, perhaps, be said universally that there always is delight in breaking the continuity of any painful sensation.

Again, the quavering upon a stop in music gives delight to the ear; but this pleasure from quavering is not confined to music: for the playing of light upon the water or the sparkling of a diamond give the same delight to the eyes; and, perhaps, it may be said universally, that gentle and quickly varying excitement, gentle fluctuating undulation, unattended with pain, is pleasant.

The cause seems to be, either mental indolence, which contents itself with the truth it possesses, without the trouble of inquiring whether it can be extended; or the never dreaming of the possibility of any extension, from want of the habit of exercising the understanding to its full extent, of giving scope to the understanding to range.

The errors with respect to cause and effect may be thus exhibited:

1. From *ignorance* of the cause, ascribing events
   1. To chance.
   2. To a wrong natural cause.
   3. To immediate interposition of a superior.
2. From *knowledge* of proximate cause.
   Abandoning universality.

(*a*) See ante, note (*a*), page 439.

(*b*) Hume, in his general corollary at the conclusion of his Essays, says, "Though the stupidity of men, barbarous and uninstructed, be so great, that they may not see a sovereign author in the more obvious works of nature, to which they are so much familiarised, yet it scarce seems

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This stopping at second causes, the property of animals and of ignorance, always diminishes as knowledge advances. (*a*) Great intellect cannot be severed from piety. It was reserved for the wisest of men to raise a temple to the living God.

The philosopher who discovered the immediate cause of lightning was not inflated by his beautiful discovery: he was conscious of the power "which dwelleth in thick darkness, and sendeth out lightnings like arrows." (*b*)

The philosopher who discovered the immediate cause of the rainbow did not rest in the proximate cause, but raised

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possible, that any one of good understanding should reject the idea, when once it is suggested to him. A purpose, an intention, a design, is evident in every thing; and when our comprehension is so far enlarged as to contemplate the first rise of this visible system, we must adopt, with the strongest conviction, the idea of some intelligent cause or author."

So, too, Browne in his beautiful work on Cause and Effect, says, "Wherever we turn our eyes, to the earth, to the heavens, to the myriads of beings that live and move around us, or to those more than myriads of worlds, which seem themselves almost like animate inhabitants of the infinity through which they range; above us, beneath us, on every side, we discover with a certainty that admits not of doubt, intelligence and design, that must have preceded the existence of every thing which exists. The power of the Omnipotent is indeed so transcendent in itself, that the loftiest imagery and language which we can borrow from a few passing events in the boundlessness of nature, must be feeble to express its force and universality."

(*a*) See note (*a*), preceding page.—Men will, therefore, always exist who may conceive themselves to be the most important beings in the universe; the fern is a forest to the insect below it.

(*b*) Dr. Franklin, speaking of conductors, says, "A rod was fixed to the top of my chimney, and extended about nine feet above it. From the foot of this rod, a wire the thickness of a goose-quill came through a covered glass tube in the roof, and down through the well of the staircase; the lower end connected with the iron spear of a lamp. On the staircase opposite to my chamber door the wire was divided; the ends separated about six inches, a little bell on each end, and between the little brass bells a ball suspended by a silk thread, to play between and strike the bells when clouds passed with electricity in them."

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his thoughts to him who placeth his bow in the heavens. "Very beautiful it is in the brightness thereof: it compasseth the heaven about with a glorious circle, and the hand of the Most High hath bended it."

Hence, therefore, Bacon said in his youth, and repeated in his age, (a) "it is an assured truth, and a conclusion

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(a) His sentiments were formed at an early period of his life, and continued to his death.

In a small volume which he published when he was thirty-seven years of age, there is a meditation upon Atheism. It was published in Latin in 1597, and in English in 1598. The work is "Meditationes Sacræ." A portion of his meditation on Atheism is as follows: "'The fool hath said in his heart there is no God.' First, it is to be noted, that the scripture saith, 'The fool hath said in his heart, and not thought in his heart.' It is a fool that hath so said in his heart, which is most true; not only in respect that he hath no taste in those things which are supernatural and divine, but in respect of human and civil wisdom: for first of all, if you mark the wits and dispositions which are inclined to atheism, you shall find them light, scoffing, impudent, and vain; briefly of such a constitution as is most contrary to wisdom and moral gravity. Secondly, amongst statesmen and polities, those which have been of greatest depths and compass, and of largest and most universal understanding, have not only in cunning made their profit in seeming religious to the people, but in truth have been touched with an inward sense of the knowledge of deity, as they which you shall evermore note to have attributed much to fortune and providence. Contrariwise, those who ascribed all things to their own cunning and practices, and to the immediate and apparent causes, and as the prophet saith, 'have sacrificed to their own nets,' have been always but petty counterfeit statesmen, and not capable of the greatest actions. Lastly, this I dare affirm in knowledge of nature, that a little natural philosophy, and the first entrance into it, doth dispose the opinion to atheism; but on the other side, much natural philosophy and wading deep into it will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools than this, 'There is no God.'"

The first edition of his Essays, which was published with the Meditationes Sacræ, in 1597, does not contain any essay upon Atheism. The next time the subject is mentioned by Lord Bacon is in 1605, in the passage which I have cited from the Advancement of Learning.

In 1612 Lord Bacon published an enlarged edition of his Essays, and

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of experience, that a little or superficial knowledge of philosophy may incline the mind of man to atheism, but a farther proceeding therein doth bring the mind back again to religion; for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause; but when a man passeth on farther, and seeth the dependence of causes, and the works of providence; then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs be tied to the foot of Jupiter's chair." (*a*)

Rawley's statement.

The testimony of his friends is of the same nature. His chaplain and biographer, Dr. Rawley, says, "That this lord was religious and conversant with God, appeareth by several passages throughout the whole current of his writings. He repaired frequently, when his health would permit him, to the service of the church; to hear sermons; to the administration of the sacrament of the blessed body and blood of Christ; and died in the true faith established in the Church of England." (*b*)

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in this edition there is an essay on Atheism, containing the very same sentiments. In 1623, he repeats it in his treatise De Augmentis; and in 1625, the year before his death, he published another edition of his Essays, in which there are additions and alterations, and considerable improvement of the essay on Atheism, but a repetition of the same opinion: "I had rather believe all the fables in the legend, and the Talmud, and the Alcoran, than that this universal frame is without a mind; and, therefore, God never wrought miracle to convince atheism, because his ordinary works convince it. It is true that a little philosophy inclineth man's mind to atheism, but depth in philosophy bringeth men's minds about to religion; for while the mind of man looketh upon second causes scattered, it may sometimes rest in them, and go no further; but when it beholdeth the chain of them confederate and linked together, it must needs fly to providence and deity."

(*a*) 8 Iliad. (*b*) Life by Rawley.

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His will thus opens: "I bequeath my soul and body into the hands of God by the blessed oblation of my Saviour; the one at the time of my dissolution, the other at the time of my resurrection."—Such are the proofs of his religious opinions. His will.

His version of the Psalms was the last of his literary labours.

In the autumn, he retired to Gorhambury.

In the latter end of October he wrote to Mr. Palmer.

Good Mr. Palmer,—I thank God, by means of the sweet air of the country, I have obtained some degree of health. Sending to the court, I thought I would salute you; and I would be glad, in this solitary time and place, to hear a little from you how the world goeth, according to your friendly manner heretofore. Fare ye well, most heartily.

Your very affectionate and assured friend,

Gorhambury, Oct. 29, 1625. FR. ST. ALBAN.

In November he wrote to the Duke of Buckingham. (*a*)

The severe winter which followed the infectious summer of this year brought him very low.

On the 19th of December he made his will.

(*a*) Excellent Lord,—I could not but signify unto your grace my rejoicing, that God hath sent your grace a son and heir, and that you are fortunate as well in your house, as in the state of the kingdom. These blessings come from God, as I do not doubt but your grace doth, with all thankfulness, acknowledge, vowing to him your service. Myself, I praise his divine Majesty, have gotten some step into health. My wants are great; but yet I want not a desire to do your grace service; and I marvel, that your grace should think to pull down the monarchy of Spain without my good help. Your grace will give me leave to be merry, however the world goeth with me. I ever rest, &c.

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A. D. 1626. Æt. 66.

Cause of his death.

In the spring of 1626 his strength and spirits revived, and he returned to his favourite seclusion in Gray's Inn, from whence, on the 2nd of April, either in his way to Gorhambury, or when making an excursion into the country, with Dr. Witherborne, the King's physician, it occurred to him, as he approached Highgate, the snow lying on the ground, that it might be deserving consideration, whether flesh might not be preserved as well in snow as in salt; and he resolved immediately to try the experiment. They alighted out of the coach, and went into a poor woman's house at the bottom of Highgate Hill, and bought a hen, and stuffed the body with snow, and my lord did help to do it himself. The snow chilled him, and he immediately fell so extremely ill, that he could not return to Gray's Inn, but was taken to the Earl of Arundel's house, at Highgate, where he was put into a warm bed, but it was damp, and had not been slept in for a year before. (*a*)

Whether Sir Thomas Meautys or Dr. Rawley could be found does not appear; but a messenger was immediately sent to his relation, the Master of the Rolls, the charitable Sir Julius Cæsar, then grown so old, that he was said to be kept alive beyond nature's course, by the prayers of the many poor whom he daily relieved. (*b*) He instantly attended his friend, who, confined to his bed, and so enfeebled that he was unable to hold a pen, could still exercise his lively fancy. He thus wrote to Lord Arundel:

His last letter.

"My very good Lord,

"I was likely to have had the fortune of Cajus Plinius the elder, who lost his life by trying an experiment about the burning of the Mountain Vesuvius. For I was also

(*a*) Aubrey.

(*b*) See Wotton's Remains.

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desirous to try an experiment or two, touching the conservation and induration of bodies. As for the experiment itself, it succeeded excellently well; but in the journey between London and Highgate I was taken with such a fit of casting, as I knew not whether it were the stone, or some surfeit, or cold, or indeed a touch of them all three. But when I came to your lordship's house, I was not able to go back, and therefore was forced to take up my lodging here, where your housekeeper is very careful and diligent about me, which I assure myself your lordship will not only pardon towards him, but think the better of him for it. For indeed your lordship's house was happy to me; and I kiss your noble hands for the welcome which I am sure you give me to it.

"I know how unfit it is for me to write to your lordship with any other hand than my own; but by my troth, my fingers are so disjointed with this fit of sickness, that I cannot steadily hold a pen."

This was his last letter. He died in the arms of Sir Julius Cæsar, early on the morning of Easter Sunday, the 9th of April, 1626, in the sixty-sixth year of his age. (*a*)

Opening his will.

On opening his will, his wish to be buried at St. Albans thus appears: "For my burial, I desire it may be in St. Michael's church, near St. Albans: there was my mother buried, and it is the parish church of my mansion-house of Gorhambury, and it is the only Christian church within the walls of Old Verulam."

(*a*) He died on the ninth day of April, in the year 1626, in the early morning of the day then celebrated for our Saviour's resurrection, in the sixty-sixth year of his age, at the Earl of Arundel's house in Highgate, near London, to which place he casually repaired about a week before, God so ordaining that he should die there of a gentle fever, accidentally accompanied with a great cold, whereby the defluxion of rheum fell so plentifully upon his breast, that he died of suffocation.—Rawley.

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Funeral. Of his funeral no account can be found, nor is there any trace of the scite of the house where he died. (*a*)

He is buried in the same grave with his mother in St. Michael's church.

Monument. On his monument he is represented sitting in contemplation, his hand supporting his head. (*b*)

FRANCISCUS BACON. BARO DE VERULĀ. STI: ALBI: VICMS:
SEU NOTIORIBUS TITULIS.
SCIENTIARUM LUMEN. FACUNDIÆ LEX.
SIC SEDEBAT:

QUI POSTQUAM OMNIA NATURALIS SAPIENTIÆ
ET CIVILIS ARCANA EVOLVISSET
NATURÆ DECRETUM EXPLEVIT
COMPOSITA SOLVANTUR.
ANO DNI MDCCVI
ÆTATE LXVI

TANTI VIRI
MEM.
THOMAS MEAUTYS
SUPERSTITIS CULTOR
DEFUNCTI ADMIRATOR
H P

Meautys. This monument, erected by his faithful secretary, has transmitted to posterity the image of his person; and, though no statue could represent his mind, his attitude of deep and tranquil thought cannot be seen without emotion.

No sculptured form gives the lineaments of Sir Thomas Meautys. A plain stone records the fact, that he lies at his master's feet. Much time will not pass away before

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(*a*) I have sought, but sought in vain, for the scite of the house where he died.—See the Gentleman's Magazine, June, 1828.

(*b*) With an inscription composed by that accomplished gentleman and rare wit, Sir Henry Wotton.—Rawley.

The statue is of white marble, which is very finely executed of the size of life, by an Italian artist.

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the few letters which may now be seen upon his grave will be effaced. His monument will be found in the veneration of after times, in the remembrance of his grateful adherence to the fallen fortunes of his master, "that he loved and admired him in life, and honoured him when dead." (*a*)

(*a*) In page 104 of the edition by the learned and pious John Jebb, Bishop of Limerick, of Burnet's Lives, is the following note: "Such, and yet more striking, was Lord Bacon's inflexible adherent, Thomas Meautys: who transmitted to posterity the monumental image of his person, in an attitude of deep, yet tranquil thought; while he himself lies, unsculptured, but not forgotten, at his master's feet. Few and faint are the inscriptive characters which can now be traced of the modest secretary's name; but it is deeply engraven on many a kind and congenial heart. He who now guides the pen once visited the church of Saint Michael, within the precincts of Old Verulam. He trusts he did so with no irreverent emotion; and, while he read the thrilling *sic sedebat*, he thought upon the faithful servant, who never viewed him so seated but with affectionate veneration."

The following is an extract from my Journal:—Thursday, Oct. 8, 1829. On Sunday morning last we left London for St. Albans. We went to St. Michael's Church, and sat by the altar, near to the monument. After church we walked to Gorhambury: explored the ruins of Sir Nicholas Bacon's old mansion, where Lord Bacon lived when a child, and where when he was a child Queen Elizabeth first noticed him. A few of the ruins remain. All is still and quiet. On Monday morning we took the clerk of St. Michael's, and went to the church: we took a wet sponge, to enable me to ascertain whether my opinion as to the grave of Sir Thomas Meawtys was right or erroneous. After our washings we found the inscription as follows:

Pew. | TH THE BODY OF SR
MEAWTYS KT

I am satisfied that, upon removing the pew, which is now upon part of the stone, there will appear, in the first line, HERE LIE, and in the second line, THOMAS, so that the inscription will be plain:

HERE LIETH THE BODY OF SR
THOMAS MEAWTYS KT.

I directed the clerk to ascertain what will be the expense of raising the pew; and, if necessary, I will apply to Lord Verulam and to the Rector.

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CONCLUSION.

In his analysis of human nature, Bacon considers first the general properties of man, and then the peculiar properties of his body and of his mind. (*a*) This mode may be adopted in reviewing his life.

His temperament.

He was of a temperament of the most delicate sensibility: so excitable, as to be affected by the slightest alterations in the atmosphere. (*b*) It is probable that the temperament of genius may much depend upon such pressibility, (*c*) and that to this cause the excellencies and failures of Bacon may frequently be traced. His health was always delicate, and, to use his own expression, he was all his life puddering with physic. (*e*)

His person.

He was of a middle stature, and well proportioned; his features were handsome and expressive, and his countenance, until it was injured by politics and worldly warfare, singularly placid. There is a portrait of him when he was only eighteen now extant, on which the artist has recorded his despair of doing justice to his subject, by the inscription "Si tabula daretur digna, animum mallem. (*f*) His portraits differ beyond what may be

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(*a*) See p. 135. (*b*) See note G at the end, and note (*a*), next page.

(*c*) See Coleridge's Aids to Reflection, where he considers this sensibility to be the foundation of the temperament of genius; that, rightly directed, it leads to all that is great and good; wrongly directed, to all that is bad and vicious; and that in the twilight between both, there lies sentimentality more injurious perhaps than open vice.—To the same effect Lord Bacon says: "In the law of the leprosy it is said, 'If the whiteness overspread the flesh, the patient may pass abroad for clean: but if there be any whole flesh remaining, he is to be shut up for unclean.' One of the rabbins noteth a principle of moral philosophy, that men abandoned to vice do not so much corrupt manners as those that are half good and half evil."

(*e*) See his letter to Sir Humphry May, vol. xii. p. 407.

(*f*) See note (*a*), p. 17. The original is in the possession of Adam Hawkins, Esq. who kindly permitted me to take a copy, from which the slight engraving in this edition is taken.

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considered a fair allowance for the varying skill of the artist, or the natural changes which time wrought upon his person; but none of them contradict the description given by one who knew him well, "that he had a spacious forehead and piercing eye, looking upward as a soul in sublime contemplation, a countenance worthy of one who was to set free captive philosophy."(*a*)

His life of mind was never exceeded, perhaps never equalled. When a child Mind.

"No childish play to him was pleasing:"

(*a*) Evelyn on Medals. The following observations respecting his person are from Rawley's life. "It hath been desired that something should be signified touching his diet, and the regimen of his health; of which, in regard of his universal insight into nature, he may perhaps be to some an example. For his diet, it was rather a plentiful and liberal diet, as his stomach would bear it, than a restrained, which he also commended in his book of the History of Life and Death. In his younger years he was much given to the finer and lighter sorts of meat, as of fowls and such like; but afterward, when he grew more judicious, he preferred the stronger meats such as the shambles afforded, as those meats which bred the more firm and substantial juices of the body, and less dissipable: upon which he would often make his meal, though he had other meats upon the table. You may be sure he would not neglect that himself, which he so much extolled in his writings, and that was the use of nitre, whereof he took in the quantity of about three grains in thin warm broth every morning for thirty years together next before his death. And for physic he did indeed live physically but not miserably; for he took only a maceration of rhubarb infused into a draught of white wine and beer mingled together for the space of half an hour in six or seven days, immediately before his meal, whether dinner or supper, that it might dry the body less, which (as he said) did carry away frequently the grosser humours of the body, and not diminish or carry away any of the spirits, as sweating doth; and this was no grievous thing to take: as for other physic in an ordinary way (whatsoever hath been vulgarly spoken) he took not. His receipt for the gout, which did constantly ease him of his pain within two hours, is already set down in the end of the Natural History. It may seem the moon had some principal place in the figure of his nativity, for the moon was never in her passion, or eclipsed, but he was surprised with a sudden fit of fainting, and that, though he observed not, nor took any previous knowledge of the eclipse thereof, and as soon as the eclipse ceased, he was restored to his former strength again."

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while his companions were diverting themselves in the park he was occupied in meditating upon the causes of the echoes (*a*) and the nature of imagination. (*b*) In after life he was a master of the science of harmony, (*c*) and the laws of imagination he studied with peculiar care, (*d*) and well understood. The same penetration he extended to colours, (*f*) and to the heavenly bodies, (*g*) and predicted

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(*a*) See ante, page 3. (*b*) See note (*t*), page 4.

(*c*) Sir John Hawkins, in his History of Music, says, "Lord Bacon, in his Natural History has given a great variety of experiments touching music, that shew him to have been, not barely a philosopher, an inquirer into phenomena of sound, but a master of the science of harmony, and very intimately acquainted with the precepts of musical composition."

(*d*) See 10th Century of Sylva, vol. iv. See Stewart's Dissertation.

(*f*) See his solitary Instances in the Novum Organum. See p. 290. A rainbow and a piece of glass in a stable window both shew the prismatic colours; but there is nothing common between the rainbow and the stable window, save this power of shewing the colour. Does not colour depend upon the refractive power of these bodies?

(*g*) "Quicunque enim superlunarium et sublunarium conficta divortia contempserit, et materiæ appetitus et passiones maxime catholicas (quæ in utroque globo validæ sunt, et universitatem rerum transverberant) bene perspexerit, is ex illis quæ apud nos cernuntur luculentam capiet de rebus cœlestibus informationem."

Whoever shall reject the feigned divorces of superlunary and sublunary bodies, and shall intentively observe the appetences of matter and the most universal passions, which in either globe are exceeding potent, and transverberate the universal nature of things, he shall receive clear information concerning celestial matters from the things seen here with us; and contrariwise, from those motions which are practised in heaven, he shall learn many observations which now are latent, touching the motion of bodies here below, not only so far as their inferior motions are moderated by superior, but in regard they have a mutual intercourse by passions common to them both.

"We must openly profess that our hope of discovering the truth, with regard to the celestial bodies, depends upon the observation of the common properties, or the passions and appetites of the matter of both states; for, as to the separation that is supposed betwixt the ethereal and sublunary bodies, it seems to me no more than a fiction, and a degree of superstition

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the modes by which their laws would be discovered, and which, after the lapse of a century, were so beautifully elucidated by Newton.

The extent of his views was immense. He stood on a cliff, and surveyed the whole of nature. His vigilant observation of what we, in common parlance, call trifles, was, perhaps, more extraordinary: scarcely a pebble on the shore escaped his notice. It is thus that genius is, from its life of mind, attentive to all things, and, from seeing real union in the apparent discrepancies of nature, deduces general truths from particular instances. Extent of views.

His powers were varied and in great perfection. (*a*) His senses were exquisitely acute, (*b*) and he used them Senses.

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mixed with rashness, &c. Our chiefest hope and dependance in the consideration of the celestial bodies is, therefore, placed in physical reasons, though not such as are commonly so called; but those laws, which no diversity of place or region can abolish, break through, disturb or alter."

(*a*) "Those abilities," says Dr. Rawley, "which commonly go single in other men, though of prime and observable parts, were all conjoined and met in him; sharpness of wit, memory, judgment, and elocution. I have been induced to think, that if ever there were a beam of knowledge derived from God upon any man in these modern times, it was upon him; for, though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself."

"For the former three, his books do abundantly speak them, which with what sufficiency he wrote let the world judge, but with what celerity he wrote them I can best testify; but for the fourth, his elocution, I will only set down what I heard Sir Walter Rawleigh once speak of him by way of comparison (whose judgment may well be trusted), 'That the Earl of Salisbury was an excellent speaker, but no good penman; that the Earl of Northampton (the Lord Henry Howard) was an excellent penman, but no good speaker; but that Sir Francis Bacon was eminent in both.'" —See Ben Jonson's observations, ante, p. 28.

(*b*) Aubrey. See note G at the end.

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to dissipate illusions, by holding firm to the works of God and to the sense, which is God's lamp, *Lucerna Dei, spiraculum hominis.*" (*a*)

Imagination. His imagination was fruitful and vivid; but he understood its laws, and governed it with absolute sway. He used it as a philosopher. It never had precedence in his mind but followed in the train of his reason. With her hues, her forms, and the spirit of her forms, he clothed the nakedness of austere truth. (*b*)

Understanding. He was careful in improving the excellencies, and in diminishing the defects of his understanding, whether from inability at particular times to acquire knowledge or inability to acquire particular sorts of knowledge. (*c*)

Temporary inability. As to temporary inability, his golden rules were, "1st, Fix good, obliterate bad times. (*d*) 2ndly, In studies what-

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(*a*) Sylva, Cent. x. vol. iv.

(*b*) See text, p. 134, and note R R R, and the Excursion.

(*c*) That understanding is in a sound state for the acquisition of knowledge which is capable at any time to acquire any sort of knowledge. The defects of the understanding are, therefore, disabilities,

- 1. As to time, from
  - 1. Disinclination.
  - 2. Fatigue.
  - 3. Interruption.
- 2. As to particular knowledge.

(*d*) There is a kind of culture of the mind which is built upon this ground, that the minds of all mortals are at some times in a more perfect state: at other times in a more depraved state. The objects, therefore, of this culture are, the fixation of good times and the obliteration of bad times, that the good seasons may be cherished, and the evil crossed and expunged out of the calendar.—Bacon.

The mind is brought to any thing with more sweetness and happiness, if that whereunto we pretend be not first in the intention, but "*tanquam aliud agendo.*" If a favourable gale spring up, hoist the sail.

Be surrounded by different instruments of knowledge, that you may gratify your immediate desire.—"Dr. Johnson advised me to-day," says Boswell, "to have as many books about me as I could, that I might read upon any subject upon which I had a desire for instruction at the time. 'What you read then,' said he, 'you will remember; but if you have not

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soever a man commandeth upon himself, let him set hours for it; but whatever is agreeable to his nature, let him take no care for any set hours, for his thoughts will fly to it of themselves." (*a*)—He so mastered and subdued his mind as to counteract disinclination to study; (*b*) and he

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a book immediately ready, and the subject moulds in your mind, it is a chance if you again have a desire to study it.'"

Dr. Johnson said, "If a man begins to read in the middle of a book, and feels an inclination to go on, let him not quit it to go to the beginning; he may perhaps not feel again the inclination."—Boswell's Life, p. 405.

(*a*) Bacon, speaking of Queen Elizabeth, says, "This lady was endowed with learning in her sex singular, and rare even amongst masculine princes; whether we speak of learning, of language, or of science modern or ancient, divinity or humanity; and unto the very last of her life she accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly."

But the most effectual expedient employed by Alfred for the encouragement of learning was his own example, and the constant assiduity with which, notwithstanding the multiplicity and urgency of his affairs, he employed himself in the pursuits of knowledge. He usually divided his time into three equal portions: one was employed in sleep and the refection of his body by diet and exercise; another in the dispatch of business; a third in study and devotion: and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanthorns: an expedient suited to that rude age, when the geometry of dialling and the mechanism of clocks and watches was entirely unknown. And by such a regular distribution of his time, though he often laboured under great bodily infirmities, this martial hero, who fought in person fifty-six battles by sea and land, was able during a life of no extraordinary length to acquire more knowledge, and even to compose more books, than most studious men, though blest with the greatest leisure and application, have in more fortunate ages made the object of their uninterrupted industry.—Hume.

Dr. Johnson said, "If a man never has an eager desire for instruction he should prescribe a task for himself; if he has a science to learn he must regularly and resolutely advance."

(*b*) As in the improvement of the understanding, the mind ought always to be employed on some subject from which it is averse, that it may obtain the mastery over itself: so two seasons are chiefly to be observed; the one when the mind is best disposed to a business, the other when it is worst, that by the one we may be well forwards on our way, by the latter we may

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prevented fatigue by stopping in due time: (*c*) by a judicious intermission (*d*) of studies, and by never plodding

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by a strenuous contention work out the knots and stonds of the mind, and make it pliant for other occasions.

Somebody talked of happy moments for composition, and how a man can write at one time and not at another. "Nay," said Dr. Johnson, "a man may write at any time if he will set himself doggedly to it."

Johnson told us, almost all his Ramblers were written just as they were wanted for the press; that he sent a certain portion of the copy of an essay, and wrote the remainder while the former part of it was printing. When it was wanted, and he had fairly sat down to it he was sure it would be done.

Dr. Johnson would allow no settled indulgence of idleness upon principle, and always repelled every attempt to urge excuses for it. A friend one day suggested, that it was not wholesome to study soon after dinner. Johnson said, "Ah, sir, don't give way to such a fancy: at one time of my life I had taken it into my head that it was not wholesome to study between breakfast and dinner."

Thou shalt find, that deferring breeds, besides the loss, an indisposition to good; so that what was before pleasant to thee, being omitted, to-morrow grows harsh, the next day unnecessary, afterwards odious. To-day thou canst, but wilt not; to-morrow thou couldst, but listest not; the next day thou neither wilt, nor canst bend thy mind on these thoughts. So I have seen friends, that, upon neglect of duty, grow overly, upon overliness; strange, upon strangeness, to utter defiance.

Perhaps the two following rules may assist this defect.

1. Ascertain the cause of the disinclination, and counteract it.

2. Form the habit of conquering your indisposition to study at particular times.

(*c*) We do not call for a perpetuity of this labour of meditation: human frailty could never bear so great a toil. Nothing under heaven is capable of a continual motion, without complaint: it is enough for the glorified spirits above, to be ever thinking and never weary. The mind of man is of a strange metal; if it be not used, it rusteth; if used hardly, it breaketh.

For he would ever interlace a moderate relaxation of his mind with his studies, as walking, or taking the air abroad in his coach, or some other befitting recreation; and yet he would lose no time, inasmuch as upon his first and immediate return, he would fall to reading again, and so suffer no moment of time to slip from him without some present improvement.

Rawley.

(*d*) Rawley.—What a heaven lives a scholar in, that at once in one close room can daily converse with all the glorious martyrs and fathers: that can single out at pleasure either sententious Tertullian, or grave

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upon books; for, although he read incessantly, he winnowed quickly. (*a*)—Interruption was only a diversion of

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Cyprian, or resolute Jerome, or flowing Chrysostome, or divine Ambrose, or devout Bernard, or (who alone is all these) heavenly Augustine: and talk with them and hear their wise and holy counsels, and so mix their parts, that the pleasantries of the one may temper the austereness of the other. Let us hold with that blessed Monica, that such like cogitations are the food of the mind, yet even the mind also has her satiety, and may surfeit of too much.—Boyle's Meditations.

One while mine eyes are busied, another while my hand, and sometimes my mind takes the burthen from them both; wherein I would imitate the skilfullest cooks, which make the best dishes with manifold mixtures: one hour is spent in textual divinity, another in controversy; histories relieve them both. Now when the mind is weary of other labours, it begins to undertake her own; sometimes it meditates and winds up for future use; sometimes it lays forth her conceits into present discourse; sometimes for itself, ofter for others. Neither know I whether it works or plays in those thoughts: I am sure no sport hath more pleasure, no work more use; only the decay of a weak body makes me think these delights insensibly laborious. Thus could I all day (as singers use) make myself music with changes, and complain sooner of the day for shortness than of the business for toil, were it not that this faint monitor interrupts me still in the midst of my busy pleasures, and enforces me both to respite and repast: I must yield to both; while my body and mind are joined together in unequal couples, the better must follow the weaker.

Le changement d'étude est toujours un délassement pour moi.

D'Aguesseau.

(*a*) "He was no plodder upon books, though he read much, and that with great judgment, and rejection of impertinences incident to many authors."—Rawley.

"Study is like the heaven's glorious sun,
That will not be deep searched with saucy looks;
Small have continual plodders ever won,
Save bare authority from others' books."—Love's Labour's Lost.

"I was a scholar: seven useful springs
Did I deflower in quotations
Of crossed opinions 'bout the soul of man;
The more I learnt, the more I learnt to doubt:
Delight, my spaniel slept, whilst I baus'd leaves,
Tossed o'er the dunces, pored on the old print
Of titled words; and still my spaniel slept.
Whilst I wasted lamp-oil, baited my flesh,

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study; (*a*) and, if necessary, he sought retirement. (*b*)

Shrunk up my veins; and still my spaniel slept.
And still I held converse with Zabarell,
Aquinas, Scotus, and the musty saw
Of antick Donate: still my spaniel slept.
Still on went I; first, *an sit anima;*
Then, an it were mortal. O hold, hold at that
They're at brain buffets, fell by the ears amain
Pell-mell together: still my spaniel slept.
Then, whether 'twere corporeal, local, fixt,
Ex traduce, but whether I had free will
Or no, hot philosophers
Stood banding factions, all so strongly propt:
I stagger'd, knew not which was firmer part,
But thought, quoted, read, observ'd and pryed,
Stuff't noting books; and still my spaniel slept.
At length he waked, and yawned; and by yon sky,
For aught I know he knew as much as I."

Marston's "What you Will," Charles Lamb's Selections, p. 84.

See Wordsworth's Expostulation and Reply.

(*a*) Johnson, in his life of Savage, says, "Out of this story he formed the tragedy of Sir Thomas Overbury, which, if the circumstances in which he wrote it be considered, will afford at once an uncommon proof of strength of genius and evenness of mind; of a serenity not to be ruffled, and an imagination not to be suppressed. During a considerable part of the time in which he was employed upon this performance, he was without lodging and often without meat; nor had he any other conveniences for study than the fields or the streets allowed him: there he used to walk and form his speeches, and afterwards step into a shop, beg for a few moments the use of the pen and ink, and write down what he had composed, upon paper which he had picked up by accident.

Voltaire, when shut up in the Bastille, and for aught he knew for life, deprived of the means either of writing or reading, arranged and in part executed the project of his Henriade.—Vide de Voltaire, par M.... à Genève, 1786, chap. iv. Godwin's Political Justice, p. 322.

Brutus when a soldier under Pompey, in the civil wars, employed all his leisure in study; and the very day before the battle of Pharsalia, though it was in the middle of summer, and the camp under many privations, spent all his time till the evening in writing an epitome of Polybius.

Plutarch in Brut.

(*b*) Places of learning should be retired, tending to quietness and privateness of life, and discharge of cares and troubles: much like the stations which Virgil prescribeth for the hiving of bees.

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Of inability to acquire particular sorts of knowledge he was scarcely conscious. He was interested in all truths, and, by investigations in his youth upon subjects from which he was averse, he wore out the knots and stonds of his mind, and made it pliant to all inquiry. (*a*)—He contemplated

Particular studies.

Principio sedes apibus statioque petenda
Quo neque sit ventis aditus, &c. Bacon.

We are not to indulge ourselves in excuses from study; for if we think we never are to apply to it, but when we are vigorous, in high spirits, and free from all manner of other care, we shall always find pretexts to excuse us to ourselves. Let us always therefore find food for meditation, whether we are in a crowd, upon a journey, at table, or even amidst a tumult.

Silence, retirement, and a perfect tranquillity of mind, are indeed the greatest friends to study, but they do not always fall to a man's share. If therefore we should sometimes be interrupted, we are not immediately to throw away our papers, and give our time up for lost: no, we ought to get the better of difficulties, and to acquire such a habit as to surmount all impediments by resolution and application. For if you resolve and apply in earnest, and with the whole force of your mind to what you are about, that which may offend your eyes or ears never can disorder your understanding. Does it not often happen, that an accidental thought throws us into so profound a train of study, that we do not see the people we meet, and sometimes wander out of our way? May not this always be our case, especially when our study is not the effect of accident but of determination.

Quintillian.

(*a*) Rule. Engage in studies opposite to the favourite pursuit. Histories make men wise; poetry, witty; the mathematics, subtle; natural philosophy, deep, moral, grave; logic and rhetoric, able to contend. *Abeunt studia in mores.* Nay, there is no stond or impediment in the wit, but may be wrought out by fit studies. Like as diseases of the body may have appropriated exercises: bowling is good for the stone and reins; shooting for the lungs and breast; gentle walking for the stomach; riding for the head, and the like. So if a man's wit be wandering, let him study the mathematics; for in demonstrations, if his wit be called away never so little, he must begin again: if his wit be not apt to distinguish or find differences, let him study the schoolmen; for they are *Cymini sectores:* if he be not apt to beat over matters, and to call up one thing to prove and illustrate another, let him study the lawyer's cases: so every defect of the mind may have a special receipt.

Rule. Master your mind by continually investigating subjects from which you are averse.—Let the mind be daily employed upon some subject from

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nature in detail and in mass: he contracted the sight of his mind and dilated it. (*b*)—He saw differences in

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which it is averse, that, by wearing out the knots and stonds of the mind, it may become pliant on other occasions.

Bear ever toward the contrary of that whereunto you are by nature inclined, that you may bring the mind straight from its warp. Like as when we row against the stream, or when we make a crooked wand straight, by bending it the contrary way.

Fixedness of mind, or mental attention to a particular subject, will not, of course, be mistaken for fixedness of studies, or ability to attend only to particular pursuits.

(*b*) To contemplate nature and bodies in their simplicity, breaks and grinds the understanding, and to consider them in their compositions and configurations, blunts and relaxes; as appears plainly from comparing the school of Leucippus and Democritus with the other philosophies. For the former is so taken up with the particles of things, as almost to neglect their structure, while the other views the fabrication of things with such astonishment as not to enter into the simplicity of nature. Both these contemplations, therefore, are to be taken up by turns, that the understanding may at once be rendered more piercing and capacious, and the inconveniences prevented.

He who cannot contract his sight should consider as an oracle the saying of the poor woman to the haughty prince, who rejected her petition, as a thing below his dignity to notice—"then cease to reign:" for it is certain that whoever will not attend to matters because they are too minute or trifling shall never obtain command or rule over nature. The nature of every thing is best seen in its smallest portions. The philosopher, while he gazed upwards to the stars, fell into the water; but if he had looked down, he might have seen the stars in the water. The property of the loadstone was dicovered in needles of iron, and not in bars of iron.

He who cannot dilate the sight of his mind should consider whether it is not better for a man in a fair room to set up one great light or branching candlestick of lights, than to go about with a small watch-candle into every corner.

The true strong and sound mind is the mind that can embrace equally great things and small. I am told the King of Prussia will say to a servant, bring me a bottle of such a wine, which came in such a year, it lies in such a corner of the cellar. I would have a man great in great things, and elegant in little things.—Dr. Johnson.

"That servant has committed twenty-one faults since we sat down to dinner," said Swift to Lord Orrery.—Johnson's Life.

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apparent resemblances, and resemblances in apparent differences. (*a*)—He had not any attachment either to antiquity or novelty. (*b*)—He prevented mental aberration by studies which produced fixedness, (*c*) and fixedness

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This great man's attention to small things was very remarkable: as an instance of it, he one day said to me, "Sir, when you get silver in change for a guinea, look carefully at it, you may find some curious piece of coin."

Johnson, vol. i. 3.

(*a*) The great and radical difference of capacities as to philosophy and the sciences lies here, that some are stronger and fitter to observe the differences of things, and others to observe their correspondences; for a steady and sharp genius can fix its contemplations, and dwell and fasten upon all the subtlety of differences, whilst a sublime and ready genius perceives and compares the smallest and most general agreements of things; but both kinds easily fall into excess, by grasping either at the dividing scale or shadow of things.

(*b*) Bacon says, that one of the distempers of learning is an extreme affection of two extremities, antiquity and novelty; wherein the daughters of time do take after the father; for as time devoureth his children, so these one of them seeketh to depress the other; while antiquity envieth there should be new additions, and novelty cannot be content to add things recent, but it must deface and reject the old. Surely the advice of the prophet is the true direction in this case, *state super vias antiquas et videte quænam sit via recta et bona et ambulate in ea.* Antiquity deserveth that reverence, that men should make a stay awhile, and stand thereupon, and look about to discover which is the best way; but when the discovery is well taken, then not to rest there, but cheerfully to make progression. Indeed to speak truly, *Antiquitas seculi, Juventus Mundi;* certainly our times are the ancient times, when the world is now ancient, and not those which we count ancient, *ordine retrogrado,* by a computation backward from our own times.—His works abound with similar observations.

(*c*) Men do not sufficiently understand the excellent use of the pure mathematics, in that they do remedy and cure many defects in the wit and faculties intellectual. For if the wit be too dull, they sharpen it; if two wandering, they fix it; if too inherent in the sense, they abstract it. So that as tennis is a game of no use in itself, but of great use in respect it maketh a quick eye and a body ready to be put into all postures, so in the mathematics, that use which is collateral and intervenient is no less worthy than that which is principal and intended.

This is to be exactly observed, that not only exceeding great progression may be made in those studies, to which a man is swayed by a natural

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by keeping his mind alive and open to perpetual improvement. (*a*)

Memory. The theory of memory he understood and explained: (*b*) and in its practice he was perfect. He knew much, and what he once knew he seldom forgot.

Composition. In his compositions his first object was clearness: to reduce marvels to plain things, not to inflate plain things into marvels. (*c*) He was not attached either to method

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proclivity; but also that there may be found, in studies properly selected for that purpose, cures and remedies to promote such kind of knowledge, to the impressions whereof a man may, by some imperfection of nature, be most unapt and insufficient. As for example, if a man be bird-witted, that is, quickly carried away, and hath not patient faculty of attention, the mathematics give a remedy thereunto; wherein, if the wit be caught away but for a moment, the demonstration is new to begin.

Burke always read a book, as if he were never to see it again.

Locke says, a proper and effectual remedy for this wandering of thoughts I should be glad to find.

Newton used to say, that if there were any difference between him and other men, it consisted in his fixing his eye steadily on the object which he had in view, and waiting patiently for every idea as it presented itself, without wandering or hurrying.

(*a*) Certainly custom is most perfect when it beginneth in young years, this we call education, which is in effect but an early custom. So we see in languages, the tongue is more pliant to all expressions and sounds; the joints are more supple to all feats of activity and motions in youth than afterwards; for it is true that late learners cannot so well take the ply, except it be in some minds that have not suffered themselves to fix, but have kept their minds open and prepared to receive continual amendment, which is exceeding rare.

Locke says, "There are men who converse but with one sort of men, they read but one sort of books, they will not come in the hearing but of one sort of notions; the truth is, they canton out to themselves a little Goshen in the intellectual world, where light shines, and as they conclude, day blesses; but the rest of that vast expansum they give up to night and darkness, and so avoid coming near it.—See the Conduct of the Understanding; where there are many valuable observations on this subject.

(*b*) See ante, p. 292.

(*c*) In the composing of his books he did rather drive at a masculine and clear expression, than at fineness or affectation of phrases, and would often ask if the meaning were expressed plainly enough, as being one that

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or to ornament, although he adopted both to insure a favourable reception for abstruse truths.

Such is a faint outline of his mind, which "like the sun had both light and agility; it knew no rest but in motion, no quiet but in activity: it did not so properly apprehend, as irradiate the object; not so much find, as make things intelligible. There was no poring, no struggling with memory, no straining for invention; his faculties were quick and expedite; they were ready upon the first summons, there was freedom and firmness in all their operations, his understanding could almost pierce into future contingents, his conjectures improving even to prophecy;(a) he saw consequents yet dormant in their principles, and effects yet unborn, in the womb of their causes."

How much is it to be lamented that such a mind, with such a temperament, was not altogether devoted to contemplation, to the tranquil pursuit of knowledge, and the calm delights of piety.

Causes of entering active life.

That in his youth he should quit these pleasant paths for the troubles and trappings of public life would be a cause for wonder, if it were not remembered that man amongst men is a social being; and, however he may abstract himself in his study, or climb the hill above him, he must daily mingle with their hopes and fears, their wishes and affections. He was cradled in politics: to be Lord Keeper was the boundary of the horizon drawn by his parents. He lived in an age when a

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accounted words to be but subservient or ministerial to matter, and not the principal. And if his style were polite, it was because he could not do otherwise. Neither was he given to any light conceits, or descanting upon words, but did ever purposely and industriously avoid them; for he held such things to be but digressions or diversions from the scope intended, and to derogate from the weight and dignity of the style.

(a) See South's noble sermon on Human Perfection.

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young mind would be dazzled, and a young heart engaged by the gorgeous and chivalric style which pervaded all things, and which a romantic queen loved and encouraged: life seemed a succession of splendid dramatic scenes, and the gravest business a well-acted court masque; the mercenary place-hunter knelt to beg a favour with the devoted air of a knight errant; and even sober citizens put on a clumsy disguise of gallantry, and compared their royal mistress to Venus and Diana. There was nothing to revolt a young and ingenuous mind: the road to power was, no doubt, then as it is now, but, covered with tapestry and strewed with flowers, it could not be suspected that it was either dirty or crooked. He had also that common failing of genius and ardent youth, which led him to be confident of his strength rather than suspicious of his weakness: and it was his favourite doctrine, that the perfection of human conduct consists in the union of contemplation and action, a conjunction of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action; but he should have recollected that Jupiter dethroned Saturn, and that civil affairs seldom fail to usurp and take captive the whole man. He soon saw his error: how futile the end, how unworthy the means! but he was fettered by narrow circumstances, and his endeavours to extricate himself were vain.

Entrance into active life.

Into active life he entered, and carried into it his powerful mind and the principles of his philosophy. As a philosopher he was sincere in his love of science, intrepid and indefatigable in the pursuit and improvement of it: his philosophy is "discover—improve."(a) He was

(a) God hath framed the mind of man as a mirror, or glass, capable of the image of the universal world, and joyful to receive the impression

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patientissimus veri. He was a reformer not an innovator. His desire was to proceed not "in aliud" but "in melius." His motive was not the love of excelling, but the love of excellence. He stood on such a height that popular praise or dispraise could not reach him.

He was a *cautious* reformer: quick to hear, slow to speak. His motive for reform. "Use Argus's hundred eyes before you raise one of Briareus's hundred hands," was his maxim.

He was a *gradual* reformer. He thought that reform ought to be, like the advances of nature, scarce discernible in its motion, but only visible in its issue. His admonition was, "Let a living spring constantly flow into the stagnant waters."

He was a *confident* reformer. "I have held up a light Reformer. in the obscurity of philosophy, which will be seen centuries after I am dead. It will be seen amidst the erection of temples, tombs, palaces, theatres, bridges, making noble roads, cutting canals, granting multitude of charters and liberties for comfort of decayed companies and corporations; the foundation of colleges and lectures for learning and the education of youth; foundations and institutions of orders and fraternities for nobility, enterprize, and obedience; but above all, the establishing good laws for the regulation of the kingdom and as an example to the world."

He was a *permanent* reformer.—He knew that wise reform, Permanent instead of palliating a complaint, looks at the real cause of the malady. He concurred with his opponent, Sir

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thereof, as the eye joyeth to receive light; and not only delighted in beholding the variety of things and vicissitudes of times, but raised also to find out and discern the ordinances and decrees, which throughout all those changes are infallibly observed: for nothing is denied to man's inquiry and invention. The spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets.

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Edward Coke, in saying, "Si quid moves a principio moveas. Errores ad principia referre est refellere." His opinion was that he, "who in the cure of politic or of natural disorders, shall rest himself contented with second causes, without setting forth in diligent travel to search for the original source of evil, doth resemble the slothful husbandman, who moweth down the heads of noisome weeds, when he should carefully pull up the roots; and the work shall ever be to do again."

Cautious, gradual, permanent reform, from the love of excellence, is ever in the train of knowledge. They are the tests of a true reformer.

Such were the principles which he carried into law and into politics.

Lawyer. As a lawyer he looked with microscopic eye into its subtleties, and soon made great proficience in the science. (*a*) He was active in the discharge of his professional duties: and published various works upon different parts of the law. In his offices of Solicitor and Attorney General, "when he was called, as he was of the King's council learned, to charge any offenders, either in criminals or capitals, he was never of an insulting and domineering nature over them, but always tender-hearted, and carrying himself decently towards the parties, though it was his duty to charge them home, but yet as one that looked

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(*a*) When the celebrated lawyer, Mr. Hargrave, is speaking of the powers displayed by Lord Bacon, in his reading on the statute of Uses, he says, "It is a very profound treatise on the subject, as far as it goes, and shows that he had the clearest conception of one of the most abstruse parts of our law. What might we not have expected," he adds, "from the hands of such a master, if his vast mind had not so embraced within its compass the whole field of science, as very much to detach him from professional studies."—Such are the observations of Mr. Hargrave, an eminent lawyer, upon Lord Bacon's legal attainments.

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upon the example with the eye of severity, but upon the person with the eye of pity and compassion." (*a*)

As a Judge, it has never been pretended that any decree made by him was ever reversed as unjust. (*b*) Judge.

As a Patron of preferment his favourite maxim was "Detur digniori, qui beneficium digno dat omnes obligat." Patron.

As a Statesman he was indefatigable in his public exertions. "Men think," he said, "I cannot continue if I should thus oppress myself with business; but my account is made. The duties of life are more than life; and if I die now, I shall die before the world is weary of me, which in our times is somewhat rare." Statesman.

His love of reform, his master passion, manifested itself both as a statesman and as a lawyer; but, before he attempted any change he, with his usual caution, said, "There is a great difference between arts and civil affairs; arts and sciences should be like mines, resounding on all sides with new works, and further progress: but it is not good to try experiments in states except the necessity be urgent or the utility evident; and well to beware that it is the reformation that draweth on the change and not the desire of change that pretendeth the reformation." Reform as statesman and lawyer.

The desire to change he always regarded with great jealousy. He knew that in its worst form it is the tool by which demagogues delude and mislead; (*c*) and in its best form, when it originates in benevolence and a love of truth, it is a passion by which kind intention has rushed on with such fearless impetuosity, and wisdom been hurried into such lamentable excess: it is so nearly allied to a contempt of authority, and so frequently ac-

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(*a*) Rawley. (*b*) See Rushworth, vol. i. p. 28.
(*c*) See note, next page.

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companied by a presumptuous confidence in private judgment: a dislike of all established forms merely because they are established, and of the old paths merely because they are old: it has such a tendency to go too far rather than not far enough; that this great man, conscious of the blessings of society and of the many perplexities which accompany even the most beneficial alterations, always looked with suspicion upon a love of change, whether it existed in himself or in others. In his advice to Sir George Villiers he said,—"Merit the admonition of the wisest of men: 'My son, fear God and the King, and meddle not with those who are given to change.'"

(c) False patriotism, till it gain its end,
Is as the true in many semblances.
Like that it takes upon it to reform
Oppressive judgments and injurious laws,
That bear too hard upon the common weal:
Cries out upon abuses, seems to weep
Over the country's wrongs: and by this face
Of seeming zeal and justice, craftily
It wins those hearts for which its bait is thrown.
But when its end is gained,
'Tis flattering, cruel,
Pompous and full of sound and stupid rage;
Of faith neglectful: heaping wrong on wrong:
Ambitious, selfish:—while the true is calm,
Firm, persevering, more in act than show.

Deux citoiens haranguoient sur la place,
Montés chacun sur un tréteau:
L'un vend force poisons, distillés dans une eau
Limpide à l'œil; mais il parle avec grace;
Son habit est doré, son équipage est beau;
Il attroupe la populace.
L'autre, ami des humains, jaloux de leur bonheur,
Pour rien débite un antidote:
Mais il est simple, brusque et mauvais orateur;
On s'en moque, on le fuit comme un fou qui radote,
Et l'on court à l'empoisonneur.

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As a statesman his first wish was, in the true spirit of his philosophy, to preserve; the next, to improve the constitution in church and state. Reform as statesman.

In his endeavours to improve England and Scotland he was indefatigable and successful. He had no sooner succeeded than he immediately raised his voice for oppressed Ireland, with an earnestness which shows how deeply he felt for her sufferings. "Your majesty," he said, "accepted my poor field fruits touching the union, but let me assure you that England, Scotland, and Ireland well united, will be a trefoil worthy to be worn in your crown. She is blessed with all the dowries of nature and with a race of generous and noble people; but the hand of man does not unite with the hand of nature. The harp of Ireland is not strung to concord. It is not attuned with the harp of David in casting out the evil spirit of superstition, or the harp of Orpheus in casting out desolation and barbarism."

In these reforms he acted with his usual caution. He looked about him to discover the straight and right way, and so to walk in it. He stood on such an eminence, that his eye rested not upon small parts, but comprehended the whole. He stood on the ancient way. He saw this happy country, the mansion house of liberty. He saw the order and beauty of her sacred buildings, the learning and piety of her priests, the sweet repose and holy quiet of her decent sabbaths, and that best sacrifice of humble and simple devotion, more acceptable than the fire of the temple which went not out by day or by night. He saw it in the loveliness of his own beautiful description of the blessings of government. "In Orpheus's theatre all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords

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of the harp, the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion."

Reform of law.

In gradual reform of the law, his exertions were indefatigable. He suggested improvements both of the civil and criminal law: he proposed to reduce and compile the whole law; and in a tract upon universal justice, "Leges Legum," he planted a seed which, for the last two centuries, has not been dormant, and is now just appearing above the surface. He was thus attentive to the ultimate and to the immediate improvement of the law: the ultimate improvement depending upon the progress of knowledge. "Veritas temporis filia dicitur, non authoritatis:" the immediate improvement upon the knowledge by its professors in power, of the local law, the principles of legislation, and general science.

So this must ever be. Knowledge cannot exist without the love of improvement. The French Chancellors, D'Aguesseau and L'Hôpital, were unwearied in their exertions to improve the law; and three works upon imaginary governments, the Utopia, the Atlantis, and the Armata, were written by English Chancellors.

Sir Wm. Grant.

So Sir William Grant, the reserved intellectual Master of the Rolls, struck at the root of sanguinary punishment, when, in the true spirit of philosophy, he said, "Crime is prevented not by fear, but by recoiling from the act with

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horror, which is generated by the union of law, morals, and religion. With us they do not unite; and our laws are a dead letter." (*a*)

Sir S. Romilly.

So too by the exertions of the philosophic and benevolent Sir Samuel Romilly, who was animated by a spirit public as nature, and not terminated in any private design, the criminal law has been purified; and, instead of monthly massacres of young men and women, we, in our noble times, have lately read that "there has not been one execution in London during the present shrievalty."— With what joy, with what grateful remembrance has this been read by the many friends of that illustrious statesman, who, regardless of the senseless yells by which he was vilified, went right onward in the improvement of law, the advancement of knowledge, and the diffusion of charity. (*b*)

Private life.

Such were Bacon's public exertions.—In private life he was always cheerful and often playful, according to his own favourite maxim, "To be free-minded and cheerfully disposed at hours of meat, and of sleep, and of exercise, is one of the best precepts of long lasting." (*c*)

(*a*) I was in the house when the observation was pressedly made by Sir William. It apparently fell still-born. I said to a friend who was with me, "These punishments are at an end."

(*b*) I never applied to him for an object in distress, but he thankfully opened his purse.

Of the reforms by the Lord Chancellor Brougham, it is not the proper time, nor, perhaps, am I the proper person to form a correct judgment. This will be the subject of future consideration.

(*c*) "His meals," says Dr. Rawley, "were refections of the ear as well as of the stomach, like the Noctes Atticæ, or Convivia Deipno-Sophistarum; wherein, a man might be refreshed in his mind and understanding no less than in his body. And I have known some, of no mean parts that have professed to make use of their note-books when they have risen from his table; in which conversations,

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Conversation.

The art of conversation, that social mode of diffusing kindness and knowledge, he considered to be one of the valuable arts of life, and all that he taught he skilfully and gracefully practised. When he spoke, the hearers only feared that he should be silent, yet he was more pleased to listen than to speak, "glad to light his torch at any man's candle." He was skilful in alluring his company to discourse upon subjects in which they were

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and otherwise, he was no dashing man, as some men are, but ever a countenancer and fosterer of another man's parts. Neither was he one that would appropriate the speech wholly to himself, or delight to outvie others, but leave a liberty to the co-assessors to take their turns; wherein he would draw a man on, and allure him to speak upon such a subject as wherein he was peculiarly skilful, and would delight to speak. And, for himself, he contemned no man's observations, but would light his torch at every man's candle."

Fuller, in his life of Lord Burleigh says, "No man was more pleasant and merry at meals; and he had a pretty wit-rack in himself to make the dumb to speak; to draw speech out of the most sullen and silent guest at his table, to shew his disposition in any point he should propound. At night when he put off his gown he used to say, 'Lie there, Lord Treasurer,' and bidding adieu to all state affairs, disposed himself to his quiet rest."

"And now the evening is come, no tradesman doth more carefully take in his wares, clear his shop-board and shut his windows, than I would shut up my thoughts and clear my mind. That student shall live miserably, which like a camel lies down under his burthen."—Bishop Hall.

Plutarch tells us Democritus used to say, "That if the body and the soul were to sue one another for damages, it would be a doubtful question whether the landlord or the guest were most faulty."

Plato's caution is very just, which is, "That we ought not to exercise the body without the soul, nor the soul without the body."

Plutarch, in his book De Præceptis Salubribus, which he wrote, as he declares himself, for the benefit of studious persons and politicians: "The ox said to his fellow servant the camel, which refused to bear part of his burden, 'In a little time it will be your turn to carry all my burden instead of a part.'"

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most conversant. He was ever happy to commend, and unwilling to censure; and when he could not assent to an opinion, he would set forth its ingenuity, and so grace and adorn it by his own luminous statement, that his opponent could not feel lowered by his defeat. (*a*)

His wit was brilliant, and when it flashed upon any subject, it was never with ill-nature, which, like the crackling of thorns ending in sudden darkness, is only fit for a fool's laughter; (*b*) the sparkling of his wit was that of the Wit.

Query, whether the reasons of this are not, 1st, that the mind requires rest; and 2ndly, that the spirit which produces thought is required for digestion and exercise. Ramazini, on the Diseases of learned Men, says, "For while the brain is employed in digesting what the desire of knowledge and the love of learning takes in, the stomach cannot but make an imperfect digestion of the aliment, because the animal spirits are diverted and taken up in the intellectual service; or these spirits are not conveyed to the stomach with a sufficient influx, upon the account of the strong application of the nervous fibres, and the whole nervous system, in profound study. How much the influx of the animal spirits contributes to the due performance of all the natural functions of the viscera, is manifest from the decay of paralytic parts; for though these parts are supplied with vital juice by the perpetual afflux of the arterial blood, yet they dwindle and decay by being deprived of that nervous juice, or spirits, or whatever it is, which is conveyed to them through the nerves."

(*a*) See note (*c*), ante, 471.

(*b*) Ros. Oft have I heard of you, my lord Biron,
Before I saw you: and the world's large tongue
Proclaims you for a man replete with mocks;
Full of comparisons and wounding flouts;
Which you on all estates will execute,
That lie within the mercy of your wit:
To weed this wormwood from your fruitful brain;
And therewithal, to win me, if you please,
(Without the which I am not to be won,)
You shall this twelvemonth term from day to day
Visit the speechless sick, and still converse
With groaning wretches; and your task shall be,
With all the fierce endeavour of your wit,
To enforce the pained impotent to smile.

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precious diamond, valuable for its worth and weight, denoting the riches of the mine. (*a*)

He had not any children; but, says Dr. Rawley, "the want of children did not detract from his good usage of his consort during the intermarriage, whom he prosecuted with much conjugal love and respect, with many rich gifts and endowments, besides a robe of honour which he invested her withal, which she wore until her dying day, being twenty years and more after his death."

He was religious, and died in the faith established in the church of England. (*b*)

Bacon has been accused of servility, of dissimulation, of various base motives, and their filthy brood of base actions, all unworthy of his high birth, and incompatible with his great wisdom, and the estimation in which he was held by the noblest spirits of the age. It is true that there were men in his own time, and will be men in all times, who are better pleased to count spots in the sun than to rejoice in its glorious brightness. Such men have openly libelled him, like Dewes and Weldon, whose falsehoods were detected as soon as uttered, or have fastened upon certain ceremonious compliments and dedications, the fashion of his day, as a sample of his servility, passing over his noble letters to the Queen, his lofty contempt for the Lord Keeper Puckering, his open dealing with Sir Robert Cecil,

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Biron. To move wild laughter in the throat of death?
It cannot be; it is impossible:
Mirth cannot move a soul in agony.
Ros. Why, that's the way to choke a gibing spirit,
Whose influence is begot of that loose grace,
Which shallow laughing hearers give to fools:
A jest's prosperity lies in the ear
Of him that hears it, never in the tongue
Of him that makes it.

(*a*) See ante, p. 28. (*b*) Rawley.

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and with others, who, powerful when he was nothing, might have blighted his opening fortunes for ever, forgetting his advocacy of the rights of the people in the face of the court, and the true and honest counsels, always given by him, in times of great difficulty, both to Elizabeth and her successor. When was a "base sycophant" loved and honoured by piety such as that of Herbert, Tennison, and Rawley, by noble spirits like Hobbes, Ben Jonson, and Selden, or followed to the grave, and beyond it, with devoted affection such as that of Sir Thomas Meautys.

Forced by the narrowness of his fortune into business, conscious of his own powers, aware of the peculiar quality of his mind, and disliking his pursuits, his heart was often in his study, while he lent his person to the robes of office, (*a*) and he was culpably unmindful of the conduct of his servants, who amassed wealth meanly and rapaciously, while their careless master, himself always poor, with his thoughts on higher ventures, never stopped to inquire by what methods they grew rich. No man can act thus with impunity; he has sullied the brightness of a name which ought never to have been heard without reverence, injured his own fame, and has been himself the victim upon the altar which he raised to true science; becoming a theme to "point a moral or adorn a tale," in an attempt to unite philosophy and politics, an idol, whose golden head and hands of base metal form a monster more hideous than the Dagon of the Philistines.

(*a*) He says to Sir Thomas Bodley, "I do confess, since I was of any understanding my mind hath in effect been absent from that I have done, and in absence are many errors which I willingly acknowledge, and amongst the rest, this great one, which led the rest, that knowing myself by inward calling to be fitter to hold a book than to play a part, I have led my life in civil causes, for which I was not very fit by nature, and more unfit by pre-occupation of mind."

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His consciousness of the wanderings of his mind made him run into affairs with over-acted zeal and a variety of useless subtleties; and in lending himself to matters immeasurably beneath him, he sometimes stooped too low. A man often receives an unfortunate bias from an unjust censure. Bacon, who was said by Elizabeth to be without knowledge of affairs, and by Cecil and Burleigh to be unfit for business, affected through the whole of his life an over-refinement in trifles and a political subtlety unworthy of so great a mind: it is also true that he sometimes seemed conscious of the pleasure of skill, and that he who possessed the dangerous power of "working and winding" others to his purpose, tried it upon the little men whom his heart disdained; but that heart was neither "cloven nor double." There is no record that he abused the influence which he possessed over the minds of all men. He ever gave honest counsel to his capricious mistress, and her pedantic successor; to the rash, turbulent Essex, and to the wily, avaricious Buckingham. There is nothing more lamentable in the annals of mankind than that false position, which placed one of the greatest minds England ever possessed at the mercy of a mean king and a base court favourite.

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NOTES.

A. *Life, p.* i.

A LITTLE beyond Hungerford Market had been of old the Bishop of Norwich's Inn, but was exchanged in 1535, in the reign of Henry VIII. for the Abbey of St. Bennett Holme, in Norfolk. The next year Charles Brandon, Duke of Suffolk, exchanged his house called Southwark Place for it. In Queen Mary's reign it was purchased by Heath, Archbishop of York, and called York House. Toby Matthew, archbishop in the time of James I. exchanged it with the crown, and had several manors in lieu of it. The Lord Chancellors Egerton and Bacon resided in it; after which it was granted to the favourite Villiers, Duke of Buckingham, who made it a magnificent house. In 1648, the parliament bestowed it on Lord Fairfax, whose daughter and heir marrying George Villiers, second Duke of Buckingham, it reverted again to the true owner, who for some years after the restoration resided in it. On his disposal of it, several streets were laid out on the site and ground belonging to it. These go generally under the name of York Buildings; but his name and title is preserved in George, Villiers, Duke, and Buckingham Streets, and even the particle *of* is not forgotten, being preserved in Of Alley.—See Maitland's London, 482, Vol. I.

The house is situated at the top of Villiers Street, North front towards the Strand, East front towards Villiers Street. In two closets on the first floor there is a part of the old ceiling. In the lease of the house it is called "York House." It is now, 1832, occupied by G. Roake, bookseller and stationer, York House, 31, Strand, corner of Villiers Street.

B. *Life, p.* i.

Sir Anthony Cooke, characterised by Camden as *vir antiqua serenitate*, was born at Giddy Hall, in Essex. He was a man eminent in all the circles of the arts, preferring contemplation to active life, and skilled in education. "Contemplation," says Lloyd, "was his soul: privacy his life: and discourse his element. Business was his purgatory: and publicity his torment. He took more pleasure to breed up statesmen than to be one. He managed his family and children with such prudence and discretion, that Lord Seymour standing by one day when this gentleman chid his son, said '*Some men govern families with more skill than others do kingdoms:*' and thereupon commended him to the government of his nephew, Edward VI. Such the majestie of his looks and gate, that awe governed; such the reason and sweetness, that love obliged all his family: a family equally afraid to displease so *good* a head, and to offend so *great*. In their marriage they were guided by his reason, more than his will; and rather *directed* by his counsel, than *led* by his authority.

He had five daughters, whose education he superintended; and, thinking that women are as capable of learning as men, he instilled that to his daughters at night, what he had taught the prince in the day; and all the daughters of Sir Anthony Cooke were perfectly skilled in the learned languages. They married suitably to the education with which they had been formed.

1. Mildred,	married to	William Cecil, Lord Treasurer of England.
2. Ann,		Nicholas Bacon, Lord Keeper.
3. Katherine,		Sir Henry Killigrew.
4. Elizabeth,		Sir Thomas Hobby.
5.		Sir Ralph Rowlet.

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Elizabeth survived Sir Thomas Hobby, and married John, Lord Russel. There is a portrait of her at Mr. Vansittart's, Bisham Abbey, enamelled by Bone.

Sir Anthony Cooke died June 11, 1576, and is buried in the chapel at Romford.—Birch's Elizabeth, 11.

Portrait of Lady Cooke, wife of Sir Anthony, by Holbein, at Woburn, enamelled by Bone.

C. *Life, p.* i.

Sir Nicholas Bacon was a man full of wit and wisdom: was a gentleman and a man of law and of great knowledge therein. He had the deepest reach into affairs of any man that was at the council table: the knottiest head to pierce into difficulties: the most comprehensive judgment to surround the merits of a cause: the strongest memory to recollect all circumstances of a business at one view: the greatest patience to debate and consider: and the clearest reason to urge any thing that came in his way in the court of chancery. His favour was eminent with his mistress, and his alliance strong with her statesmen. He was lord keeper of the great seal during the time of Elizabeth. He was, in a word, a father of his country and of Sir Francis Bacon. Lloyd.

He was a moderate man: "*Mediocria firma*" was his principle and practice. He is described by Camden as "Vir præpinquis, ingenio acerrimo, singulari prudentia, summa eloquentia, tenaci memoria, et sacris conciliis alterium columen."

Sir Nicholas Bacon, a most eloquent man, of as sound learning and wisdom as England had in many ages, with the old Lord William Burghley, lord treasurer, have above others been admired and commended in their public speeches in parliament. Peacham, Cent. 44.

Sir Nicholas Bacon, lord keeper, ob. 1579, February 20: in him was united for the first time the office of lord chancellor and that of lord keeper, but in 1564, being suspected of having favoured the succession of the house of Gray, he fell into disgrace and was forbad to appear at court, or to interfere in any public affairs except those of chancery, where he continued to preside, with an unblemished reputation, till his death. Lodge, I. 306.

Sir Nicholas Bacon, keeper in the reign of Elizabeth, died lamented by her and the nation, 20th February, 1578-9. He was interred in the cathedral of St. Paul's, where a monument was erected to him, which was destroyed by the fire of London, 1666.

Sir Nicholas had much of that penetrating genius, solidity of judgment, persuasive eloquence, and comprehensive knowledge of law and equity, which afterwards shone forth with so great a lustre in his son, who was as much inferior to his father in point of prudence and integrity, as his father was to him in literary accomplishments. He was the first lord keeper that ranked as lord chancellor. Promoted 1558-9: ob. 20th February, 1578-9.

It is interesting to see the resemblance between the minds of Sir Nicholas and of his son. Sir Nicholas was an eminent statesman, with the refinement of a courtier: a learned lawyer, eloquent, and devoted to science, with a passion for building: qualities by which his son was distinguished through life.

Queen Elizabeth told him his house was too little for him, "Not so, madam," returned he, "but your majesty has made me too great for my house." When Elizabeth asked Francis in his childhood how old he was, he answered that he was two years younger than her majesty's happy reign.

In that court, and in the star-chamber, he made use, on proper occasions, of set speeches, in which he was happier than most men, pleasing the people by their sound, and charming the wisest men of that age with their sense, whence he attained the reputation of uniting two opposite characters, viz. of a witty and a weighty speaker.* Ben Jonson says nearly the same of Lord Bacon. There happened in my time one noble speaker, who was full of gravity in his speaking. His language (where he could spare or pass by a jest) was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or

* Peacham's Compleat Gentleman, p. 43.

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suffered less emptiness, less idleness, in what he uttered. No member of his speech but consisted of its own graces. His hearers could not cough, or look aside from him without loss. He commanded where he spoke; and had his judges angry and pleased at his devotion. No man had their affections more in his power. The fear of every man that heard him was, lest he should make an end.

The devotion of Sir Nicholas to science may be seen in inscriptions in different parts of his seat at Gorhambury. Over a gate leading into the orchard, which had a garden on one side and a wilderness on the other, under the statue of Orpheus, stood these verses:

Horrida nuper eram aspectu latebræque ferarum,
Ruricolis tantum numinibusque locus.
Edomitor faustò huc dum forte supervenit Orpheus
Ulterius qui me non sinit esse rudem;
Convocat, avulsis virgulta virentia truncis
Et sedem quæ vel Diis placuisse potest.
Sicque mei cultor, sic est mihi cultus et Orpheus:
Floreat O noster cultus amorque diu.

This too was the favourite image of Francis. In Orpheus's Theatre all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which, as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues; so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion.

In the orchard was a little banquetting-house, adorned with great curiosity, having the liberal arts beautifully depicted on its walls, over them the pictures of such learned men as had excelled in each, and under them, verses expressive of the benefits derived from the study of them.

GRAMMAR. Lex sum sermonis linguarum regula certa,
Qui me non didicit cætera nulla petat.

ARITHMETICK. Ingenium exacuo, numerorum arcana recludo,
Qui numeros didicit quid didicisse nequit.

LOGICK. Divido multiplices, res explanoque latentes
Vera exquiro, falsa arguo, cuncta probo.

MUSICK. Mitigo mœrores, et acerbas lenio cruras,
Gestiat ut placidis mens hilarata sonis.

RHETORICK. Me duce splendescit, gratis prudentia verbis
Jamque ornata nitet quæ fuit ante rudis.

GEOMETRY. Corpora describo rerum et quo singula pacto
Apte sunt formis appropriata suis.

ASTROLOGY. Astrorum lustrans cursus viresque potentes,
Elicio miris fata futura modis.

So, too, Francis had his banquetting-house and fish-ponds, as will be explained in a subsequent part of this work. They may now be seen at Gorhambury, in a field called the Ponyard—the Pondyard. His passion for building appeared in his mansion and gardens at Gorhambury, near St. Albans, and in his New Atlantis are the statues of eminent men.

Sir Nicholas's first wife was Jane Feruly, of West Creting, in Suffolk, by whom he had six children. His second wife was Anne, the daughter of Sir Anthony Cooke, of Giddy Hall, Essex, by whom he had two sons, Anthony and Francis, who was the celebrated Lord Verulam. His death is said to have been occasioned by accident, on the 20th of February, 1579; and, on the 9th of March, he was buried with great solemnity, under a sumptuous monument erected by himself in St. Paul's church, with the following inscription by Buchannan:

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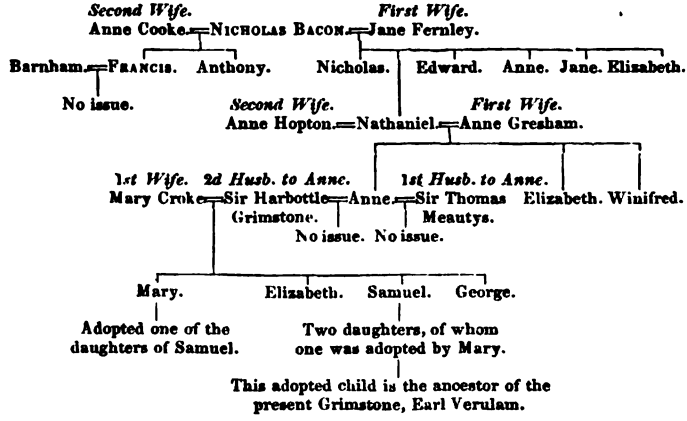
NOTE C.

Hic Nicolaum nè Baconum conditum,
Existima illum, tam diu Britannici
Regni secundum columen, exitium malis,
Bonis Asylum; cæca quem non extulit
Ad hunc honorem sors, sed æquitas, fides,
Doctrina, Pietas, unica et Prudentia,
Neu morte raptum crede, quia unica brevi
Vita perennes emeruit duas: agit
Vitam secundam cælites inter animus,
Fama implet orbem, vita quæ illi tertia est.
Hac positum in ara est corpus olim animi domus,
Ara dicata sempiternæ Memoriæ.

There are various pictures of the lord keeper; there are two in Gorhambury House; a print in Musgrave's collection, lord keeper, æt. 68, 1579. Picture in Euston House, Suffolk. Picture by Zucchero in Lennerd House, Norfolk. Picture in Brome Hall, Suffolk—motto, Mediocria Firma. Picture at Bennet College, Cambridge. Picture in King's Weston House, Gloucestershire. Knowle House, Kent. By Zucchero, at Woburn. See Walpole's Painters. Pennant's Journey. In the Horologia, 8vo. a Vandenwooffe, 1559. Vertue sc. large 4to. Vertue, &c. a small oval engraving, with other heads, in the frontispiece to Burnet's Abridgment of the History of the Reformation. Portrait of Anne, wife of Sir Nicholas, lord keeper, at Gorhambury, enamelled by Bone. His bust and of his wife Anne, and of their son, Francis, when twelve years old, are at Gorhambury. I saw them in April, 1825. They are of terra cotta, and coloured after the life. The bust of Francis is, as to the shape of the head, barrel like. Biographia Adversaria, vol. i. British Museum: Sir N. Bacon, lord keeper of the great seal, autograph, 1562, 1565, 1566.

A great part of the furniture which belonged to the lord keeper is still carefully preserved. The purse which was delivered with the great seal to Sir Nicholas Bacon, by the queen, is now in the possession of the Rev. John Long, rector of Coddenham, Suffolk, to whom it was bequeathed by the will of the Rev. Nathaniel Bacon, his predecessor in the living, and last male descendant of Nicholas, eldest son of Edward Bacon, esq. of Shrubland, the third son of Sir Nicholas by his first wife. The following is the pedigree of the lord keeper.



Nathaniel, the second son, was, to use the words of Sir Nicholas his father, *of best hope in learning*. This appears from the following letter from the lord keeper, written when Francis was only eight years old.

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Harleian MS. 287, fo. 280.—"I have receyved yor gentill and courteous lettre, and thank you hartely for it. And albeit my sonne hath begged this benefice of you, wch indeed was yo$_{r}$^{s} by my promyse, yet I trust or it be long to provide some other of better value for you, in parte of satisfaction of this that is paste, ye shal be sure to have the first, and the best that I may gyve in eyther bothe shires. And in good faythe I am sory you have not this for yo$_{r}$ advertisement concerning Mr. Dopledick. I have great cause to thinke myself much beholden unto you, but herein (I thank you) I fynd by soundry weyes you do but as you are wonte, I should be much to blame if any tyme shall make me forgetfull of it, and remembring it I muste be unthankfull if I requyte it not, if it lye in my power. My desyer is that if you be acquaynted wth Mr. Dopledick, that you will of yo^{r}self lett hym understand that I have told you my intention is to have my second sonne married in Suff., and wth all that I have requyered you, if you should understand of any convenient mariage for him to advertise me of it, and so furthe as you shall think moste meet. In deed of all my children he is of best hope in learning, and thereupon to feele his disposycion howe he is inclyned that waye, whereof I gladly wold be advertised wth some speed. And besyde I praye you signifie unto me th' age of the mayde, wth whome she hath ben brought up, and who maye be the meetest meanes to bring the same to passe, yf upon yor significacyon I shall have cause to lyke of it, and of the other syde if you for want of a quayntaince wth hym be not meete to begyne to breake this matter (whereof I wold be very sory) then I wold gladly be enformed from you who were meet to do it. I have written to my sonne that he shall see yor lettres conveyed wth speed, whensoever you are disposed to writt unto me, for in thies causes protracting of tyme may verye muche hinder, my meaning is not to have many acquainted wth this matter, till I knowe what will come of it. Thus wishing to you as to myself I bid you hartely farewell, from my house at Gorhambury the xxvijth of July, 1568.

Yo^{r} verey frynd,
N. Bacon, C. S.

To my verye frend Robert
Asshfeild, esquyer, geve
these.

Whatever may have been the promise of him when a youth, all which we now know of him is, that he was an artist of some merit. Grimstone, in his History of St. Albans, says, "He had a great talent for painting, and travelled into Italy to improve himself in that art." Lord Orford, in his History of Painting, ranks him very high in reputation, amongst the British artists. At Culford he left some few pieces of fruit and fish, but they are lost or destroyed, and the only remaining specimens of his works are preserved at Gorhambury, these are a full length portrait of himself, a cook supposed to have been a representation of Lady Bacon, with a great variety of dead game in the foreground, part of which appears unfinished, but the remainder has been greatly admired. There is also a small portrait of his mother.

He is thus mentioned in Pennant's Journey from Chester. Near him is his accomplished kinsman, his half-brother, Sir Nathaniel Bacon, knight of the Bath, leaning back in his chair, in a green jacket laced, yellow stockings, a dog by him, and sword and pallet hung up. "In the art of painting, none," says Peacham, "deserveth more respect and admiration than Master Nathaniel Bacon, of Brome, in Suffolk; not inferior, in my judgment, to our skillfullest masters." He improved his talent by travelling into Italy; and left in this house, as a proof of the excellency of his performances, this portrait, and a most excellent one of a cook, a perfect Venus, with an old game-keeper; behind is a variety of dead game, in particular a swan, whose plumage is expressed with inimitable softness and gloss.

Sir Nath. Bacon se ipse p. Chambers se 4to. in the anecdotes of painting. Sir Nathaniel Bacon, second son of Sir Nicholas Bacon, painted his own portrait and a cook maid, with large and small fowls, in a masterly manner. Both these pictures are at Gorhambury. He was ancestor to the present Lord Townshend. Mr. Nathaniel Bacon, younger son of Sir Nicholas Bacon, knight and

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eldest baronet, deserveth great respect and admiration for his skill and practice in painting, and not inferior to our most skilful masters. Peachum Gent. 106. See, for a further account of Nathaniel, Walpole's Anecdotes of Painting, 316. Sir Nathaniel Bacon, knight of the Bath, younger son of Sir Nicholas Bacon, Wheeler. Picture, Gorhambury, by himself. Walp. Paint. i. 177. Sir Nathaniel Bacon, knight, brother of Viscount St. Albans. Print in Musgrave's Collection, ii.

Grimstone's History of Gorhambury, page 69. Sir Nathaniel, the second son of Sir Nicholas Bacon, married the daughter of Sir Thomas Gresham, and by her had three daughters, Anne, Elizabeth, and Winifred. Sir Nathaniel died in the lifetime of Lord St. Albans, at his seat at Culford, in the county of Suffolk, and was buried in the chancel of the church at Culford, where a monument was erected to his memory; and another at Stiffkey, in Norfolk, where he had also an estate and mansion. Anne, his eldest daughter, married first Sir Thomas Meautys, who died without issue, and now lies by his friend in St. Michael's church, at St. Albans. I, in 1830, traced his epitaph. It is partly covered by one of the pews. The inscription is as follows:

Pew.

ΓH THE BODY OF SR

MΓAWTYS Kt

Upon removing the pew, which now is upon part of the stone, there would no doubt appear on the first line HERE LIE

and in the second line, THOMAS so that the inscription will be plain: "Here lieth the body of Sir Thomas Meawtys Kt."

Grimstone's History of Gorhambury, page 62. Lord St. Albans had in his lifetime conveyed his estate and manor of Gorhambury to Sir John Constable and Sir Thomas Crewe, as trustees, by whom it was after his death conveyed to Sir Frances Leigh and others, in trust for the sole use of Sir Thomas Meautys, his relation and friend, who had married Anne, the only surviving daughter of Sir Nathaniel Bacon. Sir H. Grimstone bought Gorhambury of Sir Thomas Meautys. After the death of Sir Thomas Meautys, Anne married Sir Harbottle Grimstone, he having, as it seems, previously bought Gorhambury of Sir Thomas Meautys.

Account of Sir Harbottle Grimstone and his wives: his second wife having been Anne, the daughter of Nathaniel, the second son of the lord keeper, and widow of Sir Thomas Meautys.

Burnet, in his History of his Own Times, says, "And I applied myself to my studies, and my function being then settled preacher at the Rolls, and soon after lecturer of St. Clements. I lived many years under the protection of Sir Harbottle Grimstone, Master of the Rolls, who continued steady in his favour to me, though the King sent Secretary Williamson to desire him to dismiss me. He said he was an old man, fitting himself for another world, and he found my ministry useful to him, so he prayed he might be excused in that. This broke me quite with the court, and in that respect proved a great blessing to me: it brought me out of many temptations; the greatest of all being the kindness that was growing toward me from the Duke, which might have involved me in great difficulties, as it did expose me to much censure; all which went off upon this. He was a long and very kind patron to me. I continued ten years in that post, free from all necessities: and I thank God that was all I desired: but, since I was so long happy in so quiet a retreat, it seems but a just piece of gratitude, that I should give some account of that venerable old man. He was descended from a long-lived family; for his great grandfather lived till he was ninety-eight, his grandfather to eighty-six, and his father to seventy-eight, and himself to eighty-two. He had to the last a great soundness of health, of memory, and of judgment. He was bred to the study of the law, being a younger brother. Upon the elder brother's death he threw it up; but falling in love with Judge Croke's daughter, the father would not bestow her on him

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unless he would return to his studies, which he did with great success. That judge was one of those who delivered his judgment in the chequer-chamber against the ship-money, which he did with a long and learned argument; and Sir Harbottle's father, who served in parliament for Essex, lay long in prison, because he would not pay the loan-money. Thus both his family and his wife's were zealous for the interest of their country. In the beginning of the long parliament he was a great assertor of the laws, and inveighed severely against all that had been concerned in the former illegal oppression. His principle was, that allegiance and protection were mutual obligations; and that the one went for the other. He thought the law was the measure of both; and that when a legal protection was denied to one that paid a legal allegiance, the subject had a right to defend himself. He was much troubled, when preachers asserted a divine right of legal government. He thought it had no other effect but to give an ill impression of them as aspiring men: nobody was convinced by it. It inclined their hearers rather to suspect all they said; besides it looked like the sacrificing their country to their own preferment; and an encouraging of princes to turn tyrants: yet when the Long Parliament engaged in the league with Scotland, he would not swear to the covenant; and he discontinued sitting in the house till it was laid aside: then he came back, and joined with Hollis, and the other presbyterians, in a high opposition to the independents, and to Cromwell in particular, as was told in the first book; and he was one of the secluded members that were forced out of the house. He followed afterwards the practice of the law; but was always looked upon as one who wished well to the ancient government of England: so he was chosen speaker of that house, that called home the King; and had so great a merit in that whole affair, that he was soon after, without any application of his own, made Master of the Rolls: in which post he continued to his death with a high reputation, as he well deserved; for he was a just judge; very slow, and ready to hear every thing that was offered, without passion or partiality. I thought his only fault was that he was too rich: and yet he gave yearly great sums in charity, discharging many prisoners by paying their debts. He was a very pious and devout man, and spent every day, at least an hour in the morning, and as much at night, in prayer and meditation; and even in winter, when he was obliged to be very early on the bench, he took care to rise so soon, that he had always the command of that time which he gave to those exercises. He was much sharpened against popery: but had always a tenderness to the Dissenters, though he himself continued still in the communion of the church."

Burnet, in his History, thus speaks of Anne, "*His second wife, whom I knew, was niece to the great Sir Francis Bacon; and was the last heir of that family. She had all the high notions for the church and for the crown in which she had been bred; but was the humblest, the devoutest, and best tempered person I ever knew of that sort. It was really a pleasure to hear her talk of religion, she did it with so much elevation and force. She was always very plain in her clothes, and went off to gaols to consider the wants of the prisoners, and relieve or discharge them; and, by the meanness of her dress, she passed but for a servant trusted with the charities of others. When she was travelling in the country, as she drew near a village she often ordered her coach to stay behind till she had walked about it, giving orders for the instruction of the children, and leaving liberally for that end.*"

There is a portrait of Anne at Gorhambury, and of both her husbands.

D. *Life, p.* i.

There are some observations upon the life of Anne, Lady Bacon, in the Biographia Britannica, in Note A to the life of Anthony Bacon, which says: "She made a florid and exact translation of Bishop Jewell's Apology for the Church of England, from Latin into English, which was esteemed so useful in its nature, as well as so correct in its manner, that in the year 1564 it was published for common use by the special order of Archbishop Parker, with

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some additions of his own at the end, and he refers to 2d Strype's Annals' 469. Her parental care of her two sons, Anthony and Francis, two of the most extraordinary men of her time, and of any time, is, possibly, the best evidence of her powers: and which was deeply felt by Francis, who, in his will, says: "For my burial I desire it may be in St. Michael's church, near St. Albans, there was my mother buried." In Birch's Memoirs of the Reign of Queen Elizabeth, the extraordinary vigilance used by Lady Anne in superintending their conduct, long after they were adults, may be seen.

The importance of early impressions, and, above all, of early infant education, can never be too strongly impressed upon the mind. The blessings attendant upon the performance of this duty, both to the child and to the parent, may be seen by a few facts, and conceived by any person who thinks of the sweet love of a mother for her child, and knows that "Nature never said one thing and wisdom another." See Cowper's Review of Schools, and see his poem upon the receipt of his mother's picture. I subjoin a few instances, ancient and modern, of the beneficial effects of maternal education.

Arete, the daughter of Aristippus, the Cyrenaic philosopher, after her father's death, presided over the school, and taught her son, Aristippus, philosophy. Diog. Laert. L. ii. in Aristippo.

Istrina, queen of the Scythians, wife of Aripithis, taught her son the language and learning of the Greeks. Herodotus and Melpomene.

What heart has not glowed at the memory of the mother of the Gracchi.

The devout Pilcheria, mother of the emperor Arcadius, when not fifteen years of age, governed with discretion. She tended both the moral and intellectual education of her son Theodosius.

Zenobia Suidas, the celebrated queen of Palmyra, was acquainted with the Greek, Roman, and Egyptian languages, and instructed her sons Herennianus and Timolaus. Pollio Trebellius et Fulg. Lib. viii. cap. iii.

Amalasunta succeeded, with her son Athalaric, to her father Theodoric, in the kingdom of Italy. She educated her son after the Roman manner, and reared in him his father's virtues. She was acquainted with all the languages that were spoken in the Roman empire. Jo. Magnus, l. 10.

Hooker, about the eighteenth year of his age, fell into a dangerous sickness, which lasted two months; all which time his mother, having notice of it, did in her hourly prayers as earnestly beg his life of God, as Monica, the mother of St. Augustine, did that he might become a true Christian; and their prayers were both so heard as to be granted: which Mr. Hooker would often mention with much joy, and as often pray that he might never live to occasion any sorrow to so good a mother; of whom, he would often say, he loved her so dearly that he would endeavour to be good even as much for hers as for his own sake. Walton's Lives.

The mother of George Herbert, in the time of her widowhood, being desirous to give Edward, her eldest son, such advantages of learning, and other education, as might suit his birth and fortune, and thereby make him more fit for the service of his country, did, at his being of a fit age, remove from Montgomery Castle with him to Queen's College, and having provided him a fit tutor, she commended him to his care, yet she continued there with him, and still kept him in a moderate awe of herself, and so much under her own eye, as to see and converse with him daily. Walton's Life of George Herbert.

Professor Gregory, who invented the reflecting telescope, in the twenty-fourth year of his age, was instructed by his mother in the elements of mathematics.

Kant, the celebrated metaphysician, derived in part his devotional spirit from the instructions of maternal piety.

Gray the poet was the only child of his mother who survived. The rest died in their infancy from suffocation produced by a fulness of the blood: and he owed his life to a memorable instance of the love and courage of his mother, who removed the paroxysm which attacked him by opening a vein with her own hand. To her exertions it was owing, that when her home was rendered unhappy by the cruelty of her husband, our poet was indebted for his education. Mason records that Gray seldom mentioned his mother without a sigh.

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NOTE D.

The early years of the lamented John Tweddell,

"Of all that virtue love for virtue loved,"

were passed under the tuition of a most pious and affectionate mother.

Bishop Watson thus speaks of his mother: "My mother's maiden name was Newton: she was a very charitable and good woman, and I am indebted to her (I mention it with filial piety) for embuing my young mind with principles of religion, which have never forsaken me. Erasmus, in his little treatise entitled Antibarbarorum, says, 'that the safety of states depends upon three things—upon a proper or improper education of the prince, upon public preachers, and upon schoolmasters;' and he might with reason have added, upon mothers; for the care of the mother precedes that of the schoolmaster, and may stamp upon the rasa tabula of the infant mind, characters of virtue and religion which no time can efface." Bishop Watson's Life, p. 7. ed. 4to. 1817.

The care of the education of Sir William Jones devolved upon his mother, who in many respects was eminently qualified for the task. Her character, as delineated by her husband with somewhat of mathematical precision, is this, that "She was virtuous without blemish, generous without extravagance, frugal but not niggard, cheerful but not giddy, close but not sullen, ingenious but not conceited, of spirit but not passionate, of her company cautious, in her friendship trusty, to her parents dutiful, and to her husband ever faithful, loving, and obedient." She had naturally a strong understanding, which was improved by his conversation and instruction. Under his tuition she became a considerable proficient in algebra; and, with a view to qualify herself for the office of preceptor to her sister's son, who was destined to a maritime profession, made herself perfect in trigonometry and the theory of navigation.

In the plan adopted by Mrs. Jones for the instruction of her son, she proposed to reject the severity of discipline, and to lead his mind insensibly to knowledge and exertion, by exciting his curiosity and directing it to useful objects. To his incessant importunities for information on casual topics of conversation, which she watchfully stimulated, she constantly replied, "read and you will know," a maxim to the observance of which he always acknowledged himself indebted for his future attainments. By this method his desire to learn became as eager as her wish to teach; and such was her talent of instruction and his facility of retaining it, that in his fourth year he was able to read distinctly and rapidly any English book. She particularly attended at the same time to the cultivation of his memory, by making him learn and repeat some of the popular speeches in Shakespeare and the best of Gay's Fables.

Among those mothers who may be recorded as having early succeeded by widowhood to the father's place in the charge of education, we may enumerate the mothers of St. Peter Celestine; of Philip Beraldo, the elder; of Bologna, one of the greatest scholars of the fifteenth century; of Bishop Fisher, and the Protestant prelates Cranmer and Parker; of Papire Masson the historian, and of Buchanan the poet: and in a later period, those of our own countrymen, Bishop Brownrigg, Dr. Wallis the mathematician, Cowley the poet: and abroad, the mothers of Leibnitz; of Lami, of Florence.

Bishop Hall thus speaks of his mother, "How often have I blessed the memory of those divine passages of experimental divinity which I have heard from her mouth! What day did she pass without a large task of private devotion, whence she would still come forth with a countenance of undissembled mortification. Never any lips have read to me such feeling lectures of piety, neither have I known any soul that more accurately practised them; then her own temptations, desertions, and spiritual comforts, were her usual theme. Shortly, for I can hardly take off my pen from so exemplary a subject, her life and death were saint-like.

The early letters of the mother of the late Right Hon. William Pitt shew the powers of her mind and her affection.

The comments of John Lovell Edgeworth, in his life; and of Marmontel, in his memoirs, are very interesting on this subject.

See some valuable observations upon this subject, in Hints for the Improvement of early Education, Hatchard, 1822, written by Mrs. Hoare.

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E. *Life, p.* ii.

Note from page 412, Biographia Britannica. The Lady Jane Grey was excellently skilled in Greek: and Queen Elizabeth translated several pieces both from Greek and Latin. The most remarkable instance, however, of the spirit of learning which prevailed was in the family of Sir Anthony Cooke: for all his four daughters were perfectly skilled in the learned languages, and his second daughter, Anne, wife to the Lord Keeper Bacon, made both a florid and exact translation of Bishop Jewell's Apology for the church of England, from Latin into English, which was esteemed so useful in its nature, as well as so correct in its manner, that in the year 1567 it was published for common use, by the special order of Archbishop Parker, with some additions of his own at the end. (Strype's Annals, vol. ii. p. 469). There have been many ladies remarkable for their learning and their writings, but very few whose works, like the Lady Bacon's, were published by authority and commended to public reading: it was this that stirred the gall of Father Parsons, who has reflected bitterly upon this lady (a relation of a conference between Henry IV. of France, &c. p. 197) for her performance, without reflecting that his ill language redounded more to her reputation than all the praises of her friends. (See Mallet's Life of Bacon, 4to.) It was to the great abilities and tender care of so accomplished a parent, that her two sons, Anthony and Francis, owed the early part of their education.

"Before I went into Germanie," says Ascham, "I came to Brodegate, in Leicestershire, to take my leave of that noble Lady Jane Grey, to whom I was exceeding much beholdinge. Her parentes, the duke and the duches, with all the houshould, gentlemen and gentlewomen, were hunting in the parke. I found her in her chamber, readinge Phædon Platonis in Greeke, and that with as much delite, as some jentlemen would read a merrie tale in Bocase. After salutation, and dewtie done, with some other taulke, I asked her, why she would leese such pastime in the parke? Smiling, she answered me: 'I wisse, all their sport in the parke is but a shadoe to that pleasure that I find in Plato. Alas! good folke, they never felt what trewe pleasure ment.'"

Ascham, who was said to be the best master of the best scholar, speaking of his pupil Queen Elizabeth, says: "After dinner I went up to read with the Queen's majesty. We read then together in the Greek tongue, as I well remember, that noble oration of Demosthenes against Eschines for his false dealing in his embassage to King Philip of Macedon." Lord Bacon, in speaking of Queen Elizabeth, says: "This lady was indued with learning in her sex singular and rare even amongst masculine princes, whether we speak of learning or of language: or of science, modern or ancient: divinity or humanity. And, unto the very last year of her life, she accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly."

G. *Life, p.* iii.

He had not the advantage of a good constitution of body, his father having been much afflicted with the gout and stone. Birch's Elizabeth.

In the Novum Organum he says, "We judge also, that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful. If any one, therefore, should despair, let him consider a man as much employed in civil affairs as any other of his age, a man of no great share of health, who must therefore have lost much time; and yet, in this undertaking, he is the first that leads the way, unassisted by any mortal, and stedfastly entering the true path that was absolutely untrod before, and submitting his mind to things, may thus have somewhat advanced the design."

Rawley says, "The moon was never in her passion or eclipsed, but he was surprized with a sudden fit of fainting, and that though he observed not, nor took any previous knowledge of the eclipse thereof." "None of his servants,"

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says Aubrey, "durst appear before him without Spanish leather boots, for he would smell the neat's leather, which offended him." "His lordship," says Aubrey, "would often drink a good draught of strong beer (March beer) to bed-wards, to lay his working fancy to sleep, which otherwise would keep him from sleeping great part of the night. I remember Sir John Danvers told me that his lordship much delighted in his curious garden at Chelsea, and as he was walking there one time he fell down in a swoon. My Lady Danvers rubbed his face, temples, &c. and gave him cordial water; as soon as he came to himself, said he, "Madam, I am no good footman." Is not this cheerfulness a proof that the sensation was habitual?

H. *Life, p.* iii.

Dr. Rawley says, "His first and childish years were not without some mark of eminency; at which time he was endued with that pregnancy and towardness of wit; as they were presages of that deep and universal apprehension, which was manifest in him afterward: and caused him to be taken notice of by several persons of worth and place; and, especially, by the Queen; who (as I have been informed) delighted much then to confer with him, and to prove him with questions: unto whom he delivered himself with that gravity and maturity above his years, that her majesty would often term him, the young lord keeper." Archbishop Tennison says, "It is observed that in his tender years, his pregnancy was such, as gave great indication of his future high accomplishments; insomuch as Queen Elizabeth took notice of him, and called him the young lord keeper; also, that asking him how old he was, though but a boy, he answered, that he was two years younger than her majesty's most happy reign."

I. *Life, p.* ix.

It appears probable that on this subject, which constantly occupied him, he was interested very early in life. There are various tracts extant which are rudiments of his Novum Organum, and appear to have been the subject of his meditations when a boy. In vol. xi. of this edition, page 478, there is a tract entitled *Temporis Partus Masculus sive de Interpretatione Naturæ*: this was first published by Stephens. It is translated, and is published in vol. xv. This tract was written when he was a boy, for in a letter to Father Fulgentio, (see vol. xii. 203), written after 1622, as he mentions the History of Henry VII. which was published in that year, he says, "I remember that about forty years ago, I composed a juvenile work about these things, which with great confidence and a pompous title I called Temporis Partum Maximum." Archbishop Tennyson, speaking of this, says, "This was a kind of embryo of the instauration, and, if it had been preserved, it might have delighted and profited philosophical readers, who could then have seen the generation of that great work, as it were from the first egg of it, and by reference to the tract it will be seen that it was sound judgment." There is another tract entitled Temporis Partus Masculus, sive Instauratio Magna imperii Humani in Universum. This is also translated, and is in vol. xv. It was first published by Gruter. By reference to this it will appear, that it is a prayer to the Creator: and, by referring to the conclusion of the Distributio Operis prefixed to the Novum Organum, page 178, vol. ix. it will be seen that it also concludes with a prayer. There are various other tracts, which are rudiments of the Novum Organum. See vol. i. of this edition in the preface, sect. 5, p. 27. sect. 6, p. 28. sect. 7, and sect. 8, p. 31.

These different tracts will, possibly, elucidate what is said by Dr. Rawley, who, speaking of the Novum Organum, says, "His book of Instauratio Magna (which in his own account was the chiefest of his works,) was no slight imagination, or fancy of his brain, but a settled and concocted notion, the production of many years labour and travel. I myself have seen at the least twelve copies of the Instauration, revised year by year one after

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another, and every year altered and amended in the frame thereof, till at last it came to that model in which it was committed to the press, as many living creatures do lick their young ones, till they bring them to their strength of limbs."

The attention of the reader is particularly requested to the extracts (in pages xxviii and xxix of preface to vol. i.) and the observations upon universities in the Filum Labyrinthi, and in the Novum Organum.

" Lost, likewise," says Tennison, " is a book which he wrote in his youth, he called it (Temporis Partus Maximus) the Greatest Birth of Time: or rather, Temporis Partus Masculus, the Masculine Birth of Time. For so Gruter found it called in some of the papers of Sir William Boswel. This was a kind of embrio of the Instauration: and the fragment, lately retrieved, and now first published. But this loss is the less to be lamented, because it is made up with advantage, in the second and better thoughts of the author, in the two first parts of his Instauration."

Mr. Mallet, speaking of this treatise, is pleased to deliver himself thus: " Though the piece itself is lost, it appears to have been the first outlines of that amazing design, which he afterwards filled up and finished, in his grand Instauration of the Sciences. As there is not a more amusing, perhaps a more useful speculation, than that of tracing the history of the human mind, if I may so express myself, in its progression from truth to truth, and from discovery to discovery; the intelligent reader would, doubtless, have been pleased, to see in the tract I have been speaking of, by what steps and gradations, a spirit like Bacon's advanced in new and universal theory."

But here seems to lie the difficulty: some writers who have reviewed the scattered works and fragments of Lord Bacon have, with great labour and industry, endeavoured to bring in this treatise, otherwise styled Of the Interpretation of Nature, as a part of that great body of philosophy which he had framed; whereas our author himself, speaking of this treatise, tells us, as the reader may see above, that it was not a part or portion of his great structure of philosophy, but the first sketch or rough draught of the whole. Now I conceive, that whoever looks into these fragments of the book on the Interpretation of Nature, as they stand in the works of our author, and shall afterwards compare them with the beginning of his Instauration, will not need many arguments to persuade him, that this conjecture is founded in truth, and that there is as much reason to conceive that the great work, just mentioned, rose out of the Temporis Partus Masculus, as that the Novum Organum sprung from another of the fragments which accompanies this, and is commonly called his Cogitata et Visa. If the reader would be told what is the issue, what the advantage of this laboured inquiry, he will surely be satisfied with this answer; that by drawing these fragments of the Interpretation of Nature into a good light, it appears, that what the honest and candid Tennison thought so fine a sight, the generation of Lord Bacon's philosophy from the egg, is still in our power; and what the ingenious and instructive Mr. Mallet most truly observes, the ability of reviewing and tracing the author's steps from one discovery in science to another, is yet in a great measure with us; which, to such as rightly apprehend Lord Bacon's worth, and have a just conception of the value of his writings, will appear somewhat of considerable consequence. I am satisfied, that in matters of this nature there is no absolute certainty, and that in the depths of Lord Bacon's knowledge, a man of ordinary talents may be very easily lost; but I own at the same time, the thing struck me so strongly, that I could not help putting it down, yet with all imaginable submission to the reader, to whose service, as I dedicate my labours, I hope (should it be found so) he will the more easily pardon my mistake. There are, however, a few circumstances more, to which I must desire the reader's attention, and then he will have a just notion of Mr. Bacon's frame of mind. While at Gray's Inn, he was eagerly engaged in the study and pursuit of his new philosophy, the whole scheme of which he had already formed. It was to this he applied his thoughts, and this was the great object of his ambition. If he desired or laboured for preferment in civil life, it was but with a view to gain thereby the means of

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improving and accomplishing his system; for he made even the most shining transactions of his life, but subservient thereto. In a word, the introducing this new method of attaining wisdom was his ruling passion, and his great spring of action through life. It quickened him in the pursuit of employments; it consoled him when he met disappointments in that pursuit; it filled up (most agreeably) his few leisure moments when in the zenith of his grandeur; it softened his fall, by proposing a new road to fame and esteem, in which he was in no danger of being either imposed on by one set of men, or sacrificed to the interests of another. Thus, this was always, and in all conjunctures, his leading object, of which he never lost sight; and as we have already had a train of evidence sufficient to convince us, that he conceived something of this kind when he was but sixteen, and brought it into some form by that time he was twenty-six; so the remainder of this article will show how warmly he prosecuted this point till death overtook him on the road, when his mind was wholly occupied with these *speculations*. Biog. Brit.

K. *Life, p.* xi.

His observations on universities will be found in the beginning of the second part of the Advancement of Learning. The following analysis will exhibit an outline of this tract. After having observed upon libraries, and upon the teachers, he proceeds to the defects, which he thus enumerates:

FIRST DEFECT. Colleges are all dedicated to professions.

If men judge that learning should be referred to action, they judge well; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense, as the head doth; but yet, notwithstanding, it is the stomach that digesteth and distributeth to all the rest: so if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it.

It is injurious to government that there is not any collegiate education for statesmen.

SECOND DEFECT. The salaries of lecturers are too small.

If you will have sciences flourish, you must observe David's military law, which was, "That those which stay with the carriage should have equal part with those which were in the action."

THIRD DEFECT. There are not sufficient funds for providing models, instruments, experiments, &c.

FOURTH DEFECT. There is a neglect in the governors of consultation, and in superiors of visitation, as to the propriety of continuing or amending the established courses of study.

1. Scholars study too soon logic and rhetoric.

For minds empty and unfraught with matter, and which have not gathered that which Cicero calleth "Sylva" and "supellex," stuff and variety, to begin with those arts, (as if one should learn to weigh, or to measure, or to paint the wind), doth work but this effect, that the wisdom of those arts, which is great and universal, is almost made contemptible, and is degenerate into childish sophistry and ridiculous affectation. (See Milton's Treatise on Education.)

2. There is too great a divorce between invention and memory.

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FIFTH DEFECT. There is a want of mutual intelligence between different universities.

SIXTH DEFECT. There is a want of proper rewards for enquiries in new and unlaboured parts of learning.

The opinion of plenty is amongst the causes of want, and the great quantity of books maketh a shew rather of superfluity than lack: which surcharge, nevertheless, is not to be remedied by making no more books but by making more good books, which, as the serpent of Moses, might devour the serpents of the enchanters.

L. *Life, p.* xi.

Of the importance of general knowledge and general education, Bacon is constant in his admonitions. In the entrance of philosophy he says, "Because the partition of sciences are not like several lines that meet in one angle; but rather like branches of trees that meet in one stem, which stem for some dimension and space is entire and continued, before it break, and part itself into arms and boughs; therefore the nature of the subject requires, before we pursue the parts of the former distribution, to erect and constitute one universal science, which may be the mother of the rest; and that in the progress of sciences, a portion, as it were, of the common highway may be kept, before we come where the ways part and divide themselves."

The evil which results from want of fixed principles in legislation may be seen in any discussion upon improvement of the law, when it cannot escape notice how few fixed principles pervade society upon important questions in legislation. There is, I may venture to say, scarcely any subject of law, upon the principles of which any two eminent lawyers entertain the same sentiments. Mention, for instance, in a company of lawyers, *imprisonment for debt*, or *usury*, or *capital punishment*, and you will instantly discover the want of fixed principles. One will talk of the injured creditor, another of the oppressed debtor; one of the necessity of this power in creditors for the sake of commerce; another that the counting-house has no alliance with the jail. So too there has been, for centuries, great conflict of opinion upon the efficacy of severe punishment, as there was, for centuries, upon imprisonment for debt. So too upon commercial laws; all proving the truth of Bacon's account of one of the signs of false philosophy, "*We must not omit that other sign, namely, the great disagreement among the ancient philosophers and the differences of their schools, which sufficiently shows that their way, from the sense to the understanding, was not well guarded; whilst one and the same subject of philosophy, the nature of things, was rent and split into so many and such wild errors: and although at present the dissensions and disagreements of opinions, as to first principles and entire philosophies, are in a manner extinct, yet such innumerable questions and controversies still remain among us, as make it plainly appear that there is nothing fixed and stable, either in our present philosophy or the manner of our demonstrations.*"

M. *Life, p.* xiii.

Extract from Lord Bacon's will. And because I conceive there will be upon the moneys raised by sale of my lands, leases, goods and chattels, a good round surplusage, over and above that which may serve to satisfy my debts and legacies, and perform my will; I do devise and declare, that my executors shall employ the said surplusage in manner and form following; that is to say, that they purchase therewith so much land of inheritance, as may erect and endow two lectures in either the universities, one of which lectures shall be of natural philosophy; and the science in general thereunto belonging; hoping that the stipends or salaries of the lecturers may amount to two hundred pounds a year for either of them; and for the ordering of the said lectures, and the election of the lecturers from time to time, I leave it to the care of my executors, to be established by the advice of the lords bishops of Lincoln and

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Coventry. Nevertheless thus much I do direct that none shall be lecturer (if he be English) except he be master of arts of seven years standing, and that he be not professed, in divinity, law, or physic, as long as he remains lecturer; and that it be without difference whether (he) be a stranger or English; and I wish my executors to consider of the precedent of Sir Henry Savil's lectures for their better instruction.

William Bagwell, in a preface to his Mystery of Astronomy, 1655, tells the reader that he had long wished for an opportunity to deposit his work in some university or college, and that he found none so acceptable as the erection of Sir Francis Bacon's college, intended to be established in Lambeth Marsh, near London, a worthy institution for the advancement of learning. See a catalogue of royal and noble authors, I think by Walpole, continued by T. Park, article Bacon. It is possible that this may have been an attempt by Bushel, his admirer, who, if I mistake not, died in Lambeth Marsh.

N.—*New Atlantis. Life, p.* xvi.

The first edition of the new Atlantis was published, in folio, in 1627, at the conclusion of the first edition of the Sylva Sylvarum, of which there were eleven editions between the years 1627 and 1676, and in each of these editions, the new Atlantis will be found. It will be found in vol. ii. of this edition, p. 323. The following is the preface:

TO THE READER.

"This fable my lord devised, to the end that hee might exhibite therein, a modell or description of a college, instituted for the interpreting of nature, and the producing of great and marvellous works for the benefit of men; under the name of Salomons House, or the College of the Six Dayes Works. And even so farre his lordship hath proceeded, as to finish that part. Certainly, the modell is more vast and high than can possibly be imitated in all things; notwithstanding most things therin are within mens power to effect. His lordship thought also in this present fable, to have composed a frame of lawes, or of the best state or mould of a commonwealth; but foreseeing it would be a long worke, his desire of collecting the naturall historie diverted him, which he preferred many degrees before it. This worke of the new Atlantis, (as much as concerneth the English edition) his lordship designed for this place; in regard it hath so neere affinitie (in one part of it) with the preceding naturall historie."

W. RAWLEY.

Tennison, speaking of the new Atlantis, says, "Neither do we, here, unfitly place the Fable of the New Atlantis: for it is the model of a college to be instituted by some king who philosophizeth, for the interpreting of nature and the improving of arts. His lordship did (it seems) think of finishing this fable, by adding to it a frame of laws, or a kind of Utopian commonwealth; but he was diverted by his desire of collecting the natural history which was first in his esteem."

There is a copy of the New Atlantis in Bushel's Abridgment, the following is the title page: *New Atlantis, a Work unfinished. Written by the Right Honourable Francis, Lord Verulam, Viscount St. Alban. London, printed by Thomas Newcomb*, 1659.

Of the New Atlantis there have been various translations. It was translated into French in 1631. It is in 8vo. There is a copy in the British Museum; the title is as follows: *L'Atlas Nouveau, De Messire Francois Bacon, Baron de Verulam, Vicomte de S. Alban, et Chancelier d'Angleterre.*

Histoire Natvrelle de Mrs. Francois Bacon, Baron de Verulam, Vicomte de Sainct Alban, et Chancelier d'Angleterre. A Paris, chez Antoine de Sommaville et Andre Sovbron, associez, au Palais dans la petite Salle. M.DC.XXXI. *Avec Privilege du Roy.*

There is another French edition in 1702: *La Nouvelle Atlantide de Francois Bacon, etc. Par M. R. A Paris, chez Jean Musier, etc.* M.DCC.II.

It was translated into Latin in 1633: *Novus Atlas, opus imperfectum Latine*

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conscriptum ab Illustri viro Francisco Bacone, de Verulamio, etc. Cum Præfatione W. Rawley. Of this edition Tennison says, "This fable of the New Atlantis in the Latin edition of it, and in the Frankfort collection, goeth under the false and absurd title of Novus Atlas: as if his lordship had alluded to a person, or a mountain, and not to a great island, which according to Plato perished in the ocean."

It was translated into Latin by Rawley, and published by him in folio, in the year 1638, in his volume containing many other tracts. The following is the title: *Nova Atlantis Fragmentorum alterum. Per Franciscum Baconum, Baronem de Verulamio, Vice-Comitem S. Albani. Londini, Typis Ioh. Haviland. Prostant ad Insignia Regia in Cœmeterio D. Pauli, apud Iocosam Norton et Richardum Whitakerum,* 1638.

There are some works connected with the New Atlantis which ought to be noticed. In the year 1660 a work was published, of which the following is the title: *New Atlantis begun by the Lord Verulam, Viscount St. Albans: and continued by R. H. Esquire. Wherein is set forth a Platform of Monarchial Government, with a pleasant intermixture of divers rare Inventions, and wholsom Customs, fit to be introduced into all Kingdoms, States, and Common-Wealths. Nunquam Libertas gratior extat quam sub Rege pio. London, printed for John Crooke, at the Signe of the Ship in St. Paul's Church Yard,* 1660.

Of this work Tennison says, "This Supplement has been lately made by another hand:* a great and hardy adventure, to finish a piece after the Lord Verulam's pencil."

In the year 1676 a work was published, of which the following is the title-page: *Essays on several important Subjects in Philosophy and Religion. By Joseph Glanvill, Chaplain in Ordinary to His Majesty, and Fellow of the R. S. Imprimatur, Martii* 27, 1675, *Thomas Tomkins. London, printed by J. D. for John Baker, at the Three Pidgeons, and Henry Mortlock, at the Phœnix, in St. Paul's Church Yard,* 1676.

The last essay in this volume is thus entitled: *Anti-fanatical Religion and Free Philosophy, in a continuation of the New Atlantis, Essay VII.* And the title opens thus, *Essay VII. The Summe of my Lord Bacon's New Atlantis.*

O.

After he had passed the circle of the liberal arts, his father thought fit to frame and mould him for the arts of state; and for that end sent him over into France, with Sir Amyas Paulet, then employed Ambassadour Lieger into France; by whom he was, after a while, held fit to be entrusted with some message or advertisement to the Queen; which having performed with great approbation, he returned back into France again, with intention to continue for some years there. Rawley.

That he was sent to France when he was sixteen appears from the following fact. Sir Amias Paulet was sent ambassador to France in September, 1576. He was succeeded by Sir Edward Stafford, in December, 1578.

Extract from a letter, dated June 22, 1577. "One year is already spent since my departure from you, and yet one year more, and then I will begin to hearken for a successor." To Mr. Nicholas Wadham.

In a letter to the lord keeper, dated September, 1577: "This quiet time doth give me no occasion to trouble your lordship with long letters; only I must tell you, that I rejoice much to see that your son, my companion, hath, by the grace of God, passed the brunt and peril of this journey: whereof I am the more glad, because, in the beginning of these last troubles, it pleased your lordship to refer his continuance with me to my consideration. I thank God these dangers are past, and your son is safe, sound, and in good health, and worthy of your fatherly favour. And thus, &c. (*a*)

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* See R. H. conten. of N. Atlantis, Octo. Lon. 1660.

(*a*) See Blackburn, vol. i.

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Q. *Life, p.* xvii.

STATE OF EUROPE.

This tract is supposed by Mallet to have been the first work written by Lord Bacon, and to have been written about the year 1580, when he was between nineteen and twenty years of age:—because it states, "that Henry III. of France was then thirty years old: now that king began his reign in 1576, at the age of twenty-four years, so that Bacon was then nineteen." How far this evidence is satisfactory, may be collected from other parts of the same tract. It says, "Gregory XIII. of the age of seventy years:"—but Gregory XIII. was seventy years old in the year 1572, when he was elected Pope, so that, according to this reasoning, it might be inferred that it was written when Bacon was twelve years of age. In another part of the tract it states, "The King of Spain, Philip, son to Charles the Fifth, about sixty years of age:" but he was born on the 21st of May, 1527, so that he was sixty years old in 1587, when Bacon was between sixteen and seventeen years old.—The author of Bacon's Life, in the Biographia Britannica, from these different dates, concludes that the tract was written at different periods of time, beginning, as he must suppose, when Bacon was quite a boy; but, as it was not necessary for the purposes of this tract that the ages of the different monarchs should be ascertained with great precision, it is, perhaps, not probable that they were accurately examined, and the only fair inference is, that it was written at a very early period of his life.*

The same author says, "But what is extremely remarkable in this small treatise, is the care and accuracy with which he has set down most of the little princes in Germany, with the state of their dominions." This minute observation, however, extends to all his works: and of all the extraordinary properties of Bacon's wonderful mind, his constant observation of what we, in common parlance, call trifles, appears to be one of the most extraordinary. He says that whoever will not attend to matters because they are too minute or trifling, shall never obtain command or rule over nature. The nature of every thing is best seen in its smallest portions. The philosopher, while he gazed upwards to the stars, fell into the water, but if he had looked down he might have seen the stars in the water. The property of the loadstone was discovered in needles of iron, and not in bars of iron. He who cannot *dilate* the sight of his mind, should consider whether it is not better for a man in a fair room to set up one great light or branching candlestick of lights, than to go about with a small watch-candle into every corner.

R. *Life, p.* xxii.

His tract upon Universal Justice was published in 1623, in the treatise De Augmentis Scientiarum, and will afterwards be explained. See Note C C postea.

His different works upon practical parts of the law are: 1st. Elements of the Common Law, including Maxims of the Law, and the Use of the Law; 2ndly. A Treatise on the Statute of Uses; 3rdly. A Treatise on the Office of Constables; and 4thly. An Account of the Office for Alienations; the particulars of which will be mentioned in the order of time in which they were written.

He wrote several tractates upon that subject, wherein though some great masters of the law did outgo him in bulk and particularities of cases, yet in the science of the grounds and mysteries of the law he was exceeded by none.—Rawley.

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* The tract says, "D. Antonio, elect King of Portugal, is now in France, where he hath levied soldiers, whereof part are embarked, hoping to be restored again."

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S. *Life, p.* xxii.

Bacon's love of contemplation may be seen in various parts of his works. In a letter to the Lord Treasurer of 21st of March, 1594, he says, This last request I find it more necessary for me to make because (though I am glad of her majesty's favour, that I may with more ease practise the law, which percase I may use now and then for my countenance,) yet to speak plainly, though perhaps vainly, I do not think that the ordinary practice of the law, not serving the queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning, I shall reap no great benefit to myself in that course.

In a letter to Essex, dated March 30, 1594, he says: "When I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and therefore truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself, with a couple of men to Cambridge, and there spend my life in my studies and contemplations without looking back."

To my Lord of Essex.

It may please your good Lordship,—I pray God her majesty's weighing be not like the weight of a balance, "gravia deorsum, levia sursum." But I am as far from being altered in devotion towards her as I am from distrust that she will be altered in opinion towards me when she knoweth me better. For myself I have lost some opinion, some time, and some means; this is my account: but then, for opinion, it is a blast that goeth and cometh; for time, it is true, it goeth and cometh not; but yet I have learned that it may be redeemed. For means, I value that most; and the rather, because I am purposed not to follow the practice of the law: if her majesty command me in any particular I shall be ready to do her willing service; and my reason is only because it drinketh too much time, which I have dedicated to better purposes. But even, for that point of estate and means I partly lean to Thales' opinion, "that a philosopher may be rich if he will." Thus your lordship seeth how I comfort myself; to the increase whereof I would fain please myself to believe that to be true which my Lord Treasurer writeth, which is, that it is more than a philosopher morally can digest; but without any such high conceit, I esteem it like the pulling out of an aching tooth, which I remember when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholding to you than to any man; and I say I reckon myself as a common, (not popular but common,) and as much as is lawful to be enclosed as a common, so much your lordship shall be sure to have.—Your Lordship's to obey your honourable commands more settled than ever.

In a letter to the Lord Treasurer in 1594, he says, I will use no reason to persuade your lordship's mediation but this, that your lordship and my other friends shall in this beg my life of the queen; for I see well the bar will be my bier, as I must and will use it rather than my poor estate or reputation shall decay; but I stand indifferent whether God call me or her majesty. Had I that in possession which by your lordship's only means against the greatest opposition her majesty granted me, I would never trouble her majesty, but serve her still voluntarily without pay.

The following is from the dedication, in 1597, to the first edition of his Essays, to his brother who was lame: "I have preferred them to you, that are next myself, dedicating them, such as they are, to our love, in the depth whereof, I assure you, I sometimes wish your infirmities translated upon myself, that her majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest."

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In a letter to the King, April 1, 1616, he says:

It may please your most excellent Majesty,—The last day when it pleased your majesty to express yourself towards me in favour, far above that I can deserve, or could expect, I was surprised by the prince's coming in; I most humbly pray your majesty, therefore, to accept these few lines of acknowledgment. I never had great thoughts for my self, farther than to maintain those great thoughts which I confess I have for your service. I know what honour is, and I know what the times are; but I thank God with me my service is the principal, and it is far from me, under honourable pretences, to cover base desires, which I account them to be, when men refer too much to themselves, especially serving such a king, I am afraid of nothing, but that the master of the horse, your excellent servant, and myself, shall fall out about this, who shall hold your stirrup best; but were your majesty mounted, and seated without difficulties and distaste in your business, as I desire and hope to see you, I should "ex animo" desire to spend the decline of my years in my studies, wherein also I should not forget to do him honour, who besides his active and politic virtues, is the best pen of kings, and much more the best subject of a pen. God ever preserve your majesty. Your Majesty's most humble subject, and more and more obliged servant.

To Sir Thomas Bodley.

Sir,—I think no man may more truly say, with the psalm, *Multum incola fuit anima mea*,* than my self; for I do confess since I was of any understanding, my mind hath in effect been absent from that I have done: and in absence are many errors, which I do willingly acknowledge; and amongst the rest, this great one that led the rest; that knowing myself by inward calling to be fitter to hold a book, than to play a part, I have led my life in civil causes; for which I was not very fit by nature, and more unfit by the preoccupation of my mind.

Tennison says, To the like purpose in a MS. letter to the Lord Chancellor Egerton, which I have sometimes perused; he says: "I am not so deceived in myself, but that I know very well (and I think your lordship is *major Corde*, and in your wisdom you note it more deeply than I can in my self) that in practising the law, I play not my best game, which maketh me accept with a nisi quid potius, as the best of my fortune, and a thing better agreeable to better gifts than mine but not to mine." And it appeareth by what he hath said in a letter to the Earl of Essex, that he once thought not to practise in his profession. "I am purposed," said he, "not to follow the practice of the law; and my reason is only because it drinketh too much time, which I have devoted to better purposes."

Upon taking his seat in Chancery, he says, "Only the depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts and sciences, to which in my own nature I am most inclined."

T. *Life, p.* xxiii.

The apartments in which Lord Bacon resided are said to be at No. 1, Gray's Inn Square, on the north side, one pair of stairs; I visited them in June 1832. They are said to be, and they appear to be in the same state in which they must have been for the last two centuries; handsome oak wainscot and a beautiful ornament over the chimney-piece. In the garden there was, till within the last three or four years, a small elevation surrounded by trees, called Lord Bacon's mount, and there was a legend that the trees were planted by him; they were removed to raise the new building now on the west side of the garden, and they stood about three-fourths from the south end. In the books in the Steward's Office there are many of Lord Bacon's autographs of his admission, when he was a bencher, of the different students.

* My soul hath been long a sojourner.

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To Lord Burghley.

It may please your good Lordship,—I am sorry the joint mask from the four inns of court faileth, wherein I conceive there is no other ground of that event but impossibility. Nevertheless, because it falleth out that at this time Grey's Inn is well furnished of gallant young gentlemen, your lordship may be pleased to know that rather than this occasion shall pass without some demonstration of affection from the inns of court, there are a dozen gentlemen of Grey's Inn, that out of the honour which they bear to your lordship and my Lord Chamberlain, to whom at their last mask they were so much bounden, will be ready to furnish a mask, wishing it were in their powers to perform it according to their minds. And so for the present I humbly take my leave, resting your Lordship's very humble and much bounden, FR. BACON.

Dugdale, in his account of Bacon, says in 42 Eliz. being double reader in that house, and affecting much the ornament thereof, he caused that beautiful grove of elms to be planted in the walks, which yet remain. Orig. Ju. 272. b.

I next come to the walks, and of these the first mention that I find is in 40 Eliz. Mr. Bacon being upon his account made 4 Julii, allowed the sum of vii l xs iiii d laid out for planting elms in them, of which elms some died, as it seems; for at a pension held here, 14 Nov. 41 Eliz. there was an order made for a present supply of more young elms, in the places of such as were deceased: and that a new rayle and quickset hedge should be set upon the upper long walk, at the discretion of the same Mr. Bacon and Mr. Wilbraham; which being done, amounted to the charge of lx vi viii d. as by the said Mr. Bacon's account allowed 29 Apr. 42 Eliz. appears.

V. *Life, p.* xxiii.

See Camden, Strype, Dugdale, and the other writers of Elizabeth's reign. See Biographica Britannica, title Bacon.

X. *Life, p.* xxv.

It is said that the Queen, upon Spenser presenting some poems to her, ordered him a gratuity of an hundred pounds, but that the Lord Treasurer Burleigh objecting to it, said with some scorn of the poet, What! all this for a song? The Queen replied, Then give him what is reason. Spenser waited for some time, but had the mortification to find himself disappointed of the Queen's intended bounty. Upon this he took a proper opportunity to present a paper to Queen Elizabeth, in the manner of a petition, in which he reminded her of the orders she had given, in the following lines:

I was promised on a time
To have reason for my rhime,
From that time unto this season
I received nor rhyme nor reason.

This paper produced the desired effect, and the Queen, not without some reproof of the treasurer, immediately directed the payment of the hundred pounds she had first ordered. Life of Spenser.

Y. *Life, p.* xxvi.

In his apology respecting Lord Essex, he says, It is well known, how I did many years since dedicate my travels and studies to the use, and, as I may term it, service of my lord of Essex, which I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humour of a man, that ever from the time I had any use of reason, whether it were reading upon good books, or upon the example of a good father, or by nature, I loved my country more than was answerable to my fortune; and I held at that time my lord to be the fittest instrument to do good to the state, and therefore I applied myself to him in a manner which I think happeneth rarely among men: for I did not only labour carefully and industriously in that

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he set me about, whether it were matter of advice or otherwise, but, neglecting the queen's service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminate with myself, to the best of my understanding, propositions, and memorials of any thing that might concern his lordship's honour, fortune, or service. And when, not long after I entered into this course, my brother, Mr. Anthony Bacon, came from beyond the seas, being a gentleman whose ability the world taketh knowledge of for matters of state, especially foreign, I did likewise knit his service to be at my lord's disposing.

Z. *Life, p.* xxvi.

Sir Francis Bacon to the Lord Treasurer Burghley.

My Lord,—With as much confidence as mine own honest and faithful devotion unto your service, and your honourable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your lordship. I wax now somewhat ancient; one and thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed, and I do not fear that action shall impair it; because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bear a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol that loveth honour; nor under Jupiter that loveth business, for the contemplative planet carrieth me away wholly: but as a man born under an excellent sovereign, that deserveth the dedication of all men's abilities. Besides I do not find in myself so much self-love, but that the greater parts of my thoughts are to deserve well, if I were able, of my friends, and namely of your lordship; who being the Atlas of this commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am, to do you service. Again, the meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends; for I have taken all knowledge to be my providence;* and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, confutations, and verbosities: the other with blind experiments and auricular traditions and impostures, hath committed so many spoils; I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that providence.* This, whether it be curiosity, or vain glory, or nature, or, if one take it favourably, philanthropia, is so fixed in my mind, as it cannot be removed. And I do easily see, that place of any reasonable countenance doth bring commandment of more wits than of a man's own, which is the thing I greatly affect. And for your lordship, perhaps you shall not find more strength and less encounter in any other. And if your lordship shall find now or at any time, that I do seek or affect any place, whereunto any that is nearer unto your lordship shall be concurrent, say then that I am a most dishonest man. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty: but this I will do, I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy, and so give over all care of service, and become some sorry bookmaker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining nothing from you. And even so, I wish your lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service.

From my lodging at Gray's Inn.

* Province.

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Z Z. *Life, p.* xxvii.

Rawley's Life.—His birth and other capacities qualified him, above others of his profession to have ordinary accesses at court, and to come frequently into the queen's eye, who would often grace him with private and free communication, not only about matters of his profession or business in law, but also about the arduous affairs of estate, from whom she received, from time to time, great satisfaction; nevertheless, though she cheered him much with the bounty of her countenance, yet she never cheered him with the bounty of her hand; having never conferred upon him any ordinary place, or means of honour or profit, save only one dry reversion, of the Register's Office, in the Star Chamber, worth about 1600*l.* per annum, for which he waited, in expectation, either fully or near twenty years; of which his lordship would say, in Queen Elizabeth's time, that it was like another man's ground, buttalling upon his house, which might mend his prospect, but it did not fill his barn. Nevertheless, in the time of King James, it fell unto him.

Dugdale, in his account of Bacon says, In 32 Eliz. he was made one of the clerks in council.

The author of Bacon's life, in the Biographia Britannica, speaking of the reversion of the Register's place in the Star Chamber, says, His having the reversion of this place, I take to be the reason, why several writers style him one of the Clerks of the Privy Council;* for that he had no other employment than this under that reign, is very clear from the foregoing passage in Dr. Rawley's Memoirs, and from his own letters.

2 Z. *Life, p.* xxvii.

In historical collections by Jonson, there is the following preamble to the proceedings in this parliament:—A Journal of the Parliamentary Proceedings in the lower house, Anno xxv° Eliz. Annoq. Dom. 1592, very laboriously collected: being chiefly called for consultation and preparation against the ambitious designs of the King of Spain; in which some unusual distastes happened between her Majesty and the House, by reason of their intermeddling with her Majesties successor to the crown, which she had forbidden. This session begun on Monday, February 19, 1592, and ended April 9, 1593.

A A. *Life, p.* xxvii.

Birch's Elizabeth, vol. i. 93. Anthony was member for Wallingford, and his brother Francis for Middlesex. Not. Parliam. by Browne Willis, LL.D. p. 127, 31 edit. London, 1750. He sat in that parliament, which met November 19, 1592, as one of the knights of the shire for Middlesex.

B B. *Life, p.* xxvii.

Mr. Speaker,—That which these honourable personages have spoken of their experience, may it please you to give me leave likewise to deliver of my common knowledge. The cause of assembling all parliaments hath been hitherto for laws or monies; the one being the sinews of peace, the other of war: to one I am not privy, but the other I should know. I did take great contentment in her majestie's speech the other day, delivered by the Lord Keeper; how that it was a thing not to be done suddenly, or at one parliament, nor scarce a year would suffice to purge the statute book, nor lessen it, the volumes of law being so many in number, that neither common people can half practise them, nor lawyers sufficiently understand them, than the which nothing would tend more to the praise of her majesty. The *Romans* they appointed ten men who were to collect or recall all former laws, and to set forth those twelve tables so much of all men commended. The *Athenians* likewise appointed six for that purpose. And *Lewis* the Ninth, King of *France*, did the like in reforming his laws.—See C C, next note.

* Dugdale's Baronage, vol. ii. p. 438.

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C C. *Life, p.* xxvii.

The suggestions by Lord Bacon upon Improvement of the Law are either
1st. Tracts upon the improvement of the law.
2dly. Scattered observations in different parts of his works.
Lord Bacon's Tracts for the Improvement of the Law are
1. Certificate touching the Penal Laws.
2. A Proposition to his Majesty touching the compiling and amendment of the Laws of England.
3. An offer to King James of a Digest of the Laws of England.
4. Dedication and Preface to his Law Maxims.
5. Draught of an Act against Usury, and
6. Ordinance for the Administration of Justice in Chancery.
7. Justitia Universalis.
Sir Stephen Procter's Project relating to the Penal Laws.
In the Harleian manuscripts in the British Museum there is the following memorial, viz. [See MS. Lansd. 486, fol. 21.]

1st. *A Memorial touching the Review of Penal Lawes and the Amendment of the Common Law.**

Forasmuch as it was one of his Majesties Bills of Grace That there should be certain Commissioners, 12 Lawyers and 12 Gent of experience in the Countrie for the Review of penal Lawes and the Repeal of such as are obsolete and Snaring, and the Supply where it shall be needful of Lawes more mild and fit for the time, &c. And thereupon to prepare Bills for the next Parliament. It were now a time for his Maj^{ty} out of his Royal Authoritie and Goodness to act this excellent intent, and to grant forth a Commission accordingly wherein besides the excellency of the work in it self, and the pursueing of the intent of that Bill of Grace, Two things will follow for his Majesties Honour and reputation.

The one that it will beat down the opinion which is Sometime muttered, That his Maj^{ty} will call no more Parliaments.

The other that whereas there are Some Rumo^{rs} dispersed that now his Majesty, for the help of his wants, will work upon the penal Lawes, the people shall see his disposicion is so far from that, as he is in hand to abolish many of them.

There is a second work wch needeth no Parliament and is one of the rarest works of Sovereigne merit which can fall under the Acts of a King. For Kings that do reform the Body of their Lawes are not only Reges but Legis-latores, and as they have been well called, perpetui Principes, because they reign in their Lawes for ever.

Wherefore for the Common Law of England it is no Text Law, but the Substance of it consisteth in the Series and Succession of Judicial Acts from time to time which have been set down in the Books, which we term Year Books or Reports, so that as these Reports are more or less perfect, so the law itself is more or less certain, and indeed better or worse, whereupon a conclusion may be made that it is hardly possible to conferr upon this Kingdom a greater benefit, then if his Maj^{ty} should be pleased that these Books also may be purged and reviewed, whereby they may be reduced to fewer Volumes and clearer Resolutions, which may be done,

By taking away many Cases obsolete and of no use, keeping a remembrance of some few of them for antiquity sake.

By taking away many Cases that are merely but iterations, wherein a few set down will serve for many.

By taking away idle Queres which serve but for seeds of uncertainty.

By abridging and dilucidating Cases tediously or darkly reported.

By purging away Cases erroneously reported and differing from the original verity of the Record.

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* Bacon touching the amendment of Lawes.

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Whereby the Common Law of England will be reduced to a Corœ or Digest of Books of competent volumes to be studied, and of a nature and content Rectified in all points.

Thus much for the time past.

But to give perfection to this work his Majty may be pleased to restore the ancient use of Reporters, wch in former times were persons of great Learning, wch did attend the Courts at Westminster, and did carefully and faithfully receive the Rules and Judicial Resolutions given in the King's Courts, and had Stipends of the Crown for the same; wch worthy institucion by neglect of time hath been discontinued.

It is true that this hath been Supplyed somewt of later times by the industry of voluntaries as chiefly by the worthy Endeavours of the Lord Dier and the Lo. Coke. But great Judges are unfit persons to be Reporters, for they have either too little leisure or too much authoritie, as may appear well by those two Books, whereof that of my Lo. *Dyer is but a kind of note Book*, and those of my Lo. *Coke's hold too much de proprio.*

The choice of the persons in this work will give much life unto it; the persons following may be thought on, as men not overwrought with practice, and yet Learned and conversant in Reportes and Recordes, There are Six Names, whereof three only may suffice according to the three principal courtes of Law, The King's Bench, The Common Plees, and The Exchequer.

Mr. Whitlock,	Mr. Hackwell,
Mr. Noie,	Mr. Courtman,
Mr. Hedley,	Mr. Robert Hill.

The stipend cannot be less than 100*l.* per annum, which nevertheless were too little to men of such Qualitie in respect of Some hindrance it may be to their practice, were it not that it will be accompanied with Credit and expectacion in due time of preferment.

The first notice which I find of this tract is in the Letters and Remains by Robert Stephens, 1734. It is not mentioned either by Rawley or by Archbishop Tennison.

Observations. This tract was first inserted in any edition of the works of Lord Bacon, in the year 1740, in the folio edition, in four volumes, by Mallet. Printed for Miller. The following is the title: *Appendix containing several Pieces of Lord Bacon, not printed in the last edition in four volumes in folio: and now published from the original manuscripts in the library of the Right Honourable the Earl of Oxford.* This appendix was published separately in folio in 1760, and is in vol. v. page 362, of this edition. I do not find any manuscript of this tract in the Harleian collection, but it is in the Lansdowne MSS. No. 236, fol. 198. The same as printed in Stephens, pp. 367—377.

2. *Proposition touching the compiling and amendment of the Laws of England.* This tract is thus noticed in the Baconiana, with a reference to the Resuscitatio, page 271: "The twelfth is, a Proposition to King James, touching the compiling and amendment of the Laws of England, written by him when he was attourney-general and one of the privy-council." It will be found in vol. v. of this edition, page 337. The following is a copy of the title: *A Proposition to His Majesty. By Sir Francis Bacon, Knt. his Majesties Attvrney-General and one of his Privy-Councel; touching the Compiling and Amendment of the Laws of England.*

3. *An Offer to ovr late Soueraigne King Iames of a Digest to be made of the Lawes of England. London, printed by John Haviland for Humphrey Robinson*, 1629. It is thus noticed in the Baconiana by Archbishop Tennison: "The thirteenth is, An Offer to King James, of a Digest to be made of the Laws of England."* It will be found in vol. v. of this edition, page 353. Another edition in folio was published in 1671, in the third edition of the Resuscitatio. The first edition was published in 1629, in a small 4to. by Dr. Rawley, consisting of four tracts, of which this is one.

* In the Miscellan. Works, p. 137, and 2nd part of Resusc.

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4. *Dedication to Elements of the Common Law.* In his dedication to the Queen, and in his preface to the Elements of the Common Law, there are various suggestions to the Queen, and observations upon improvement of the law. They will be found in vol. xiii. of this edition, page 133.

5. *Justitia Universalis.*

In the year 1605, Lord Bacon expresses his intention, in the advancement of learning, to write upon the laws of laws. The passage is as follows: "Notwithstanding, for the more public part of government, which is laws, I think good to note only one deficience: which is, that all those which have written of laws, have written either as philosophers, or as lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high. For the lawyers, they write according to the states where they live, what is received law, and not what ought to be law; for the wisdom of a law-maker is one, and of a lawyer is another. For there are in nature certain fountains of justice, whence all civil laws are derived but as streams: and like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains. Again, the wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof; taking into consideration, by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and incertainty of law; by what means laws may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws; what influence laws touching private right of meum and tuum have into the public state, and how they may be made apt and agreeable; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles, or without; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity and crossness; how they are to be expounded, when upon causes emergent and judicially discussed, and when upon responses and conferences touching general points or questions; how they are to be pressed, rigorously or tenderly; how they are to be mitigated by equity and good conscience, and whether discretion and strict law are to be mingled in the same courts, or kept apart in several courts; again, how the practice, profession, and erudition of law is to be censured and governed; and many other points touching the administration, and, as I may term it, animation of laws. Upon which I insist the less, because I purpose, if God give me leave, (having begun a work of this nature in aphorisms), to propound it hereafter, noting it in the mean time for deficient. Vol. ii. of this edition, page 295.

Observations. The outline contemplated by Lord Bacon of a treatise on Universal Justice is, as it seems, contained in Aphorism 7, in his description of a good law published in 1623, in the Treatise de Augmentis. Vol. ix. p. 82.

> Lex bona censeri possit, quæ sit
> Intimatione certa;
> Præcepto justa;
> Executione commoda;
> Cum forma politiæ congrua; et
> Generans virtutem in subditis.

It probably was his intention to have completed this work, and if not, to leave it as a hint to future ages. The part which he has completed is in the first of his five divisions.

The Certainty of Laws. It is written in his favourite style of Aphorisms (see de Augmentis, Lib. vi.), in which the Novum Organum is written, in both of which there is the reality without the show of method; the frame is beautiful, although the divisions and muscles are not obtruded.

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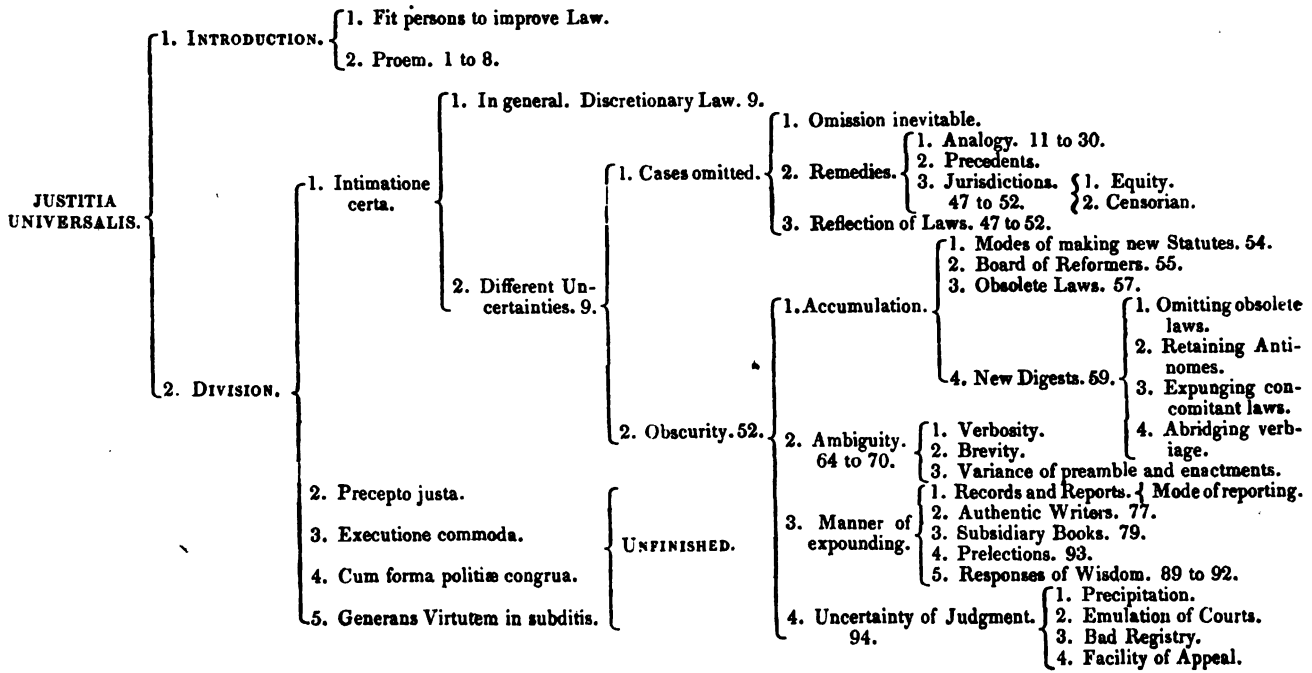

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Different editions. The first edition was published in the Treatise de Augmentis, 1623. This was translated in the translation of the Treatise de Augmentis, by Watts, in 1640. About the year 1646, a translation of this work was published in Paris. The following is a copy of the title page: *Les Aphorismes du Droit, traduits du Latin de Messire François Bacon, grand Chancelier d'Angleterre. Par I. Baudoin. A Paris.*

Dedicated à Monsigneur Segrier, Chancelier de France. At the end of the privilege to print a translation of Bacon's works, is "Achevé d'imprimer, pour le première fois, le 20 Decembre, 1646."

Contents.

Pages 1---36. Des Lois en general.
Ce discours est une offre de Chancelier Bacon à son Roy, de faire un digest des Loix d'Angleterre.
36---111. Les Aphorismes du Droit.
111---130. De Devoir du Juge.
Ce discours et les suivans sont tiré des ouvres polites de l'autheur, et ie les ay admistez icy, pour ce qu'il m'ont semble propres au sujet.
130---139. Des requestes et des supplians.
139---147. De l'Expedition des Affaires.
147---end. Du Conseil.

There is a copy of this in the British Museum, which I suppose to have been written about 1646. In the museum is Historia Vitæ et Mortis in French, by J. Baudoin, 4to. Paris, 1647, and in the privilege to print there is the date 1646.

There is a new translation of this tract in 1733, by Shaw, in his edition of Bacon's philosophical works, in 3 vols. 4to. In the year 1806 an edition in 12mo. was published. The following is a copy of the title page: *Franc. Baconii Exemplum Tractatus de Justitia Universali sive de Fontibus Juris, extractum ex ejusdem Auctoris opere de dignitate et augmentis scientiarum. Curante Lawry, juris consulto, qui suas notas prefationem que adjecit. Au Depot des Lois Romaines a Metz, chez Behmer. l'an* 1806.

In the year 1822 a 12mo. edition was published in Paris, consisting of the Aphorisms in Latin with the notes. The following is a copy of the title page: *Legum Leges sive Francisci Baconi Angliæ quondam Cancel. tractatus de fontibus Universi Juris per Aphorismos extractum ex ejusdem auctoris opere de dignitate et augmentis Scientiarum Annotationes quasdam subjecit. A. M. J. J. Dupin in scholis et curiis Parisiensibus Doctor et Advocatus. Dictabimus igitur quasdam Legum Leges, ex quibus informatio peti possit, quid in singulis legibus bene aut perperam positum aut constitutum sit. (Aph. 6.) Parisiis apud Fratres Baudouin Typog. Libr. Via de Vaugirard, No.* 36. 1822.

In the year 1823 a translation into English by James Glassford, Advocate, was published at Edinburgh. The following is the title page: *Exemplum Tractatus de Fontibus Juris, and other Latin Pieces of Lord Bacon, translated by James Glassford, Esq. Edinburgh, printed for Waugh and Innes, Chalmers and Collings, Glasgow; and Ogle, Duncan and Co. London.* 1823.

Upon this subject Adam Smith's Theory of Moral Sentiments concludes thus: Systems of positive law, therefore, though they deserve the greatest authority, as the records of the sentiments of mankind in different ages and nations, yet can never be regarded as accurate systems of the rules of natural justice. It might have been expected that the reasonings of lawyers upon the different imperfections and improvements of the laws of different countries should have given occasion to an inquiry into what were the natural rules of justice, independent of all positive institution. It might have been expected that these reasonings should have led them to aim at establishing a system of what might properly be called natural jurisprudence, or a theory of the general principles that ought to run through, and be the foundation of the laws of all nations. But though the reasonings of lawyers did produce something of this kind, and though no man has treated systematically of the laws of any particular

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country, without intermixing in his work many observations of this sort, it was very late in the world before any such general system was thought of, or before the philosophy of law was treated of by itself, and without regard to the particular institutions of any one nation. In none of the ancient moralists do we find any attempt towards a particular enumeration of the rules of justice. Cicero in his Offices, and Aristotle in his Ethics, treat of justice in the same general manner in which they treat of all the other virtues. In the laws of Cicero and Plato, where we might naturally have expected some attempt towards an enumeration of those rules of natural equity, which ought to be enforced by the positive laws of every country, there is, however, nothing of this kind. Their laws are laws of policy, not of justice. Grotius seems to have been the first who attempted to give the world any thing like a system of those principles which ought to run through, and be the foundation of the laws of all nations; and his treatise of the laws of War and Peace is, perhaps, at this day, the most complete work that has yet been given upon this subject.

This valuable tract is in the treatise De Augmentis, vol. ix. page 82, of this edition.

6. *Usury.* He prepared the draught of an Act against Usury, which was published in the third edition of the Resuscitatio in 1671, which is in vol. xiii. of this edition, page 385, and in his Essays, there is an Essay upon Usury, vol. i. of this edition, page 137.

7. *Ordinances in Chancery.* These ordinances were published in the court the first day of Candlemas term, 1618, and have, from that period, been adopted and acted upon in the court. I do not find them noticed either by Rawley or Tennison. The following is a publication of this tract: *Ordinances made by the Right Honourable Sir Francis Bacon, Knight, Lord Verulam, and Viscount of St. Albans, being then Lord Chancellor. For the better and more regular Administration of Iustice in the Chancery, to be daily observed saving the Prerogative of this Covrt. London: Printed for Mathew Walbanke and Lawrence Chapman* 1642.

Vol. 2. 170. Ordinances by the Lord Chancellor for the better and more regular administration of justice in the Chancery, to be duly observed, saving the Prerogative of the Court published in the Court the first day of Candlemas Term, 1618. *Harleian MSS.* They will be found in vol. vii. of this edition, page 273.

Scattered observations in different parts of his works.

1. Essays.
   1. Of Dispatch.
   2. Of Judicature.
   3. Of Innovations.
2. Obstacles to Legal Improvement.
   1. Want of Collegiate Education of Statesmen.
   2. Opposition.
      1. By Politicians.
      2. By Lawyers.
3. Our duty to assist in improvement.
   1. In general.
   2. Professions.
      - In Law.
        1. In general.
        2. Merit of Legal Improvement.
        3. Politicians best Legal Improvers.
        4. Proper use of Lawyers in Legal Improvement.

ESSAYS.

Of Dispatch. The first Essay containing any observations appertaining to legal improvement, which will be found in vol. i. of this edition, page 83, is in his Essay of Dispatch: "*Affected dispatch is one of the most dangerous things to business that can be: it is like that which the physicians call predigestion, or*

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hasty digestion; which is sure to fill the body full of crudities, and secret seeds of diseases: therefore measure not dispatch by the times of sitting, but by the advancement of the business: and as, in races, it is not the large stride, or high lift, that makes the speed; so, in business, the keeping close to the matter, and not taking of it too much at once, procureth dispatch. It is the care of some only to come off speedily for the time, or to contrive some false periods of business, because they may seem men of dispatch: but it is one thing to abbreviate by contracting, another by cutting off; and business so handled at several sittings, or meetings, goeth commonly backward and forward in an unsteady manner. *I knew a wise man, that had it for a by-word, when he saw men hasten to a conclusion, 'Stay a little, that we may make an end the sooner.'*

On the other side, true dispatch is a rich thing; for time is the measure of business, as money is of wares; and business is bought at a dear hand where there is small dispatch."

So, too, upon taking his seat as Chancellor, he said, in his address to the bar: "For the third general head of his Majesty's precepts concerning speedy justice, it rests much upon myself, and much upon others: yet so, as my procuration may give some remedy and order to it. For myself, I am resolved that my decree shall come speedily, if not instantly, after the hearing, and my signed decree speedily upon my decree pronounced. For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid; that upon the solemn and full hearing of a cause nothing is pronounced in court, but breviates are required to be made; which I do not dislike in itself in causes perplexed. For I confess I have somewhat of the cunctative; and I am of opinion, that whosoever is not wiser upon advice than upon the sudden, the same man was no wiser at fifty than he was at thirty. And it was my father's ordinary word, 'You must give me time.' But yet I find when such breviates were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the chancery pace be slow. Of which kind of intermission I see no use, and therefore I will promise regularly to pronounce my decree within few days after my hearing; and to sign my decree at the least in the vacation after the pronouncing. For fresh justice is the sweetest. And to the end that there be no delay of justice, nor any other means-making or labouring, but the labouring of the counsel at the bar.

Again, because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven; and if it be shorter, it is never a whit the worse, I shall, by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fourth night of the vacation to the term, for the expediting and clearing of the causes of the court; only the depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts and sciences, to which in my own nature I am most inclined.

There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn utterly to delay at length: for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another; and like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey.

As for delays that may concern others, first the great abuse is, that if the plaintiff have got an injunction to stay suits at the common law, then he will spin out his cause at length. But by the grace of God I will make injunctions but an hard pillow to sleep on; for if I find that he prosecutes not with effect,

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he may perhaps, when he is awake, find not only his injunction dissolved, but his cause dismissed."

The caution of an anxious judge, in avoiding hasty decision, may be seen in the following anecdote respecting Chancellor D'Aguesseau: "The only fault imputed to D'Aguesseau was dilatoriness of decision. We should hear his own apology. The general feeling of the public on this head, was once respectfully communicated to him by his son: 'My child,' said the Chancellor, 'when you shall have read what I have read, seen what I have seen, and heard what I have heard, you will feel, that if on any subject you know much, there may be also much that you do not know, and that something, even of what you know, may not at the moment be in your recollection. You will then, too, be sensible of the mischievous and often ruinous consequences of even a small error in a decision; and conscience, I trust, will then make you as doubtful, as timid, and consequently as dilatory as I am accused of being."

The nature of dispatch, as it is called, in the administration of justice, may be seen in the following translation by my dear friend, Samuel Tayler Coleridge:

> The way of ancient ordinance, though it winds,
> Is yet no devious way. Straight forward goes
> The lightning's path, and straight the fearful path
> Of the cannon-ball. Direct it flies and rapid,
> Shattering that it may reach, and shattering what it reaches.
> My son! the road the human being travels,
> That on which *blessing* comes and goes, doth follow
> The river's course, the valley's playful windings
> Curves round the corn-field and the hill of vines,
> Honouring the holy bounds of property
> ..... there exists
> An higher than the warrior's excellence.
>
> WALLENSTEIN.

Of Judicature. The next essay, which contains observations upon the administration or improvement of justice, is his Essay on Judicature, which will be found in vol. i. page 179. It contains most valuable observations: 1st. in general. 2nd. In particular.

1. As to the parties.
2. The advocates.
3. The officers.
4. The sovereign.

I must content myself with referring to the essay, and the following *Observations in the Edinburgh Review upon Bacon's Essay on Judicature*, April, 1830. "The bench of Scotland contains bright-names; men, under whom the duty of carrying judicial reformation into practice has as favourable a prospect as devotion to the cause, and great legal accomplishment, can ever give it. The bar, besides professional learning and talent, is as splendidly adorned by general literature and by public virtue as any bar upon earth. Criticisms have been made on the manner of both. We cannot venture to say how far either the censure or the praise of these criticisms is just. Probably both, at times. They must not be judged of merely by a standard taken from the accidental fashion or custom of any other place, but by their approximation to, or recession from, the things that form the universal excellences of the judicial manner. In a well regulated place of justice, the court room is orderly and noiseless. The bench attends; or appears to do so. When it does not, the failure neither proceeds from indifference nor from impatience. There is much consultation before judgment; little conversation during debate. The judges recollect, that the vices of counsel must always be generated by themselves, because they are only practised from their supposed influence with the bench, and from seeing that the opposite virtues fail. The bar venerates good taste, the only corrective of the defects naturally connected with the exercise of that profession. It therefore grudges the laurels that are sometimes bestowed by the ignorant on certain vulgar qualities, such as pertinacity or vehemence, which, though they may accompany success, can never, in a right court, be the cause of it. On ordinary occasions, when there is no call for a higher flight, it appreciates brevity, calm-

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ness, and sense; virtues so essential amidst the bustle and distraction of legal war, that their presence renders even honesty more powerful, while their absence makes learning useless. To both bench and bar, in Scotland and everywhere else, we strongly recommend the attentive and repeated study of Bacon's little Essay (scarcely three pages) on Judicature. It is a discourse which ought not merely to be suspended over the gate, but engraven on the heart, of every court of justice."

There are some observations, in his Essay upon Innovations, applicable to the improvement of law as to all improvements.

Want of Collegiate Education of Statesmen. Lord Bacon seems to have been deeply impressed with the conviction, that the want of a collegiate education of statesmen was the fundamental cause of the little progress that was made in sound legislation. See ante, Note K.

There is an observation of the same tendency by Lord Bolingbrook, who says: "I might instance, in other professions, the obligations men lie under of applying themselves to certain parts of history, and I can hardly forbear doing it in that of the law; in its nature the noblest and most beneficial to mankind, in its abuse and abasement the most sordid and the most pernicious. A lawyer now is nothing more, I speak of ninety-nine in an hundred at least, to use some of Tully's words, nisi leguleius quidam cautus, et acutus praeco actionum, cantor formularum, auceps syllabarum. But there have been lawyers that were orators, philosophers, historians: there have been Bacons and Clarendons, my lord. There will be none such any more, till in some better age, true ambition or the love of fame prevails over avarice; and till men find leisure and encouragement to prepare themselves for the exercise of this profession, by climbing up to the 'vantage ground,' so my lord Bacon calls it, of science; instead of grovelling all their lives below, in a mean but gainful application to all the little arts of chicane. Till this happen, the profession of the law will scarce deserve to be ranked among the learned professions: and whenever it happens, one of the vantage grounds to which men must climb, is metaphysical, and the other historical knowledge. They must pry into the secret recesses of the human heart, and become well acquainted with the whole moral world, that they may discover the abstract reason of all laws: and they must trace the laws of particular states, especially of their own, from the first rough sketches to the more perfect draughts; from the first causes or occasions that produced them, through all the effects, good and bad, that they produced."

Increased importance in the present Time of a Collegiate Education of Statesmen. It may, perhaps, be deemed important to consider whether, in the present times, when knowledge is making such rapid progress through all the middle classes of society, these lamentations expressed by Lord Bacon and Milton are not most peculiarly deserving consideration; whether, when the middle classes of society are rising, they can be restrained or distance be preserved, unless there is a proportional elevation in the higher classes?

Opposition to Improvement by Politicians. Lord Bacon, when enumerating the objections by politicians to the advancement of learning, says, "It is objected by politicians that learning doth mar and pervert men's dispositions for matter of government and policy; which the study of arts makes either too curious by variety of reading; or too peremptory by the strict rigour of rules; or too overweening, by reason of the greatness of examples; or too incompatible with the times, by reason of the dissimilitude of examples; or at least it doth divert and alienate men's minds from business and action, instilling into them a love of leisure and privateness." He then enters minutely into an examination of these objections. See vol. ii. page 16.

Objections by Lawyers to Improvement of the Law. In his proposition touching the compiling and amendment of the laws of England, he states five objections which will be made by lawyers to improvement of the law. They are as follows:

1. Reform is needless.
2. It is an innovation.
3. More harm than good will be done.

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4. It will be better to codify.
5. It will compel lawyers to study new law.

These objections he separately and minutely examined. See vol. v. p. 343.

Duty of Men in contemplative and active Life to unite in Improvement.

The fourth book of the Treatise "De Augmentis" thus opens: "Si quis me, Rex optime, ob aliquid eorum quæ proposui, aut deincèps proponam, impetat aut vulneret (præterquàm quòd intra præsidia Majestatis tuæ tutus esse debeam), sciat is se contra morem et disciplinam militiæ facere. Ego enim, buccinator tantùm, pugnam non ineo; unus fortassè ex iis de quibus Homerus,

Χαιρετε κηρυκες, Διος αγγελοι ηδε και ανδρων:

hi enim inter hostes, etiam infensissimos et acerbissimos, ultrò citròque inviolati ubìque commeabant. Neque verò nostra buccina homines advocat et excitat, ut se mutuò contradictionibus proscindant, aut secum ipsi prælientur et digladientur; sed potiùs ut pace inter ipsos factâ conjunctis viribus se adversus naturam rerum comparent, ejusque edita et munita capiant et expugnent, atque fines imperii humani (quantum Deus Opt. Max. pro bonitate suâ indulserit) proferant."

And in some part of his works, but I do not immediately recollect where, he says, that "will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and strongly conjoined and united together, than they have been: a conjunction like unto that of the two highest planets, Saturn the planet of rest and contemplation, and Jupiter the planet of civil society and action."

Duty of Lawyers to assist in Improvement of the Law. In his proposition for a compilation of the law, he says, "Your Majesty, of your favour having made me privy counsellor; and continuing me in the place of your attorney-general, (which is more than was these hundred years before), I do not understand it to be, that by putting off the dealing in causes between party and party, I should keep holy-day the more: but that I should dedicate my time to your service, with less distraction. Wherefore in this plentiful accession of time which I have now gained, I take it to be my duty; not only to speed your commandments and the business of my place, but to meditate, and to excogitate of myself, wherein I may best by my travels, derive your virtues to the good of your people, and return their thanks and increase of love to you again. And after I had thought of many things, I could find in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling of the laws of England."

To the same effect, in his Preface to the Elements of the Common Law, he says: "I hold every man a debtor to his profession; from the which, as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having, therefore, from the beginning, come to the study of the laws of this realm, with a desire no less, if I could attain unto it, that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that, by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws."

The same grateful feeling is expressed by Sir Edward Coke, who says, "if this or any other of my works may, in any sort, by the goodness of Almighty God, who hath enabled me hereunto, tend to some discharge of that great obligation of duty wherein I am bound to my profession, I shall reap some fruits

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from the tree of life, and I shall receive sufficient compensation for all my labours."

Merit of legal Improvement. In his Proposition for a Compilation of the Law, he says, " Your majesty is a king blessed with posterity; and these kings sort best with acts of perpetuity, when they do not leave them instead of children, but transmit both line and merit to future generations. You are a great master in justice and judicature, and it were pity that the fruit of that virtue should die with you. Your majesty also reigneth in learned times; the more in regard of your own perfections and patronage of learning; and it hath been the mishap of works of this nature, that the less learned time hath wrought upon the more learned; which now will not be so. As for my self the law is my profession, to which I am a debtor. Some little helps I may have of other learning, which may give form to matter; and your majesty hath set me in an eminent place, whereby in a work, which must be the work of many, I may the better have coadjutors. For the dignity of the work, I know scarcely where to find the like; for surely that scale, and those degrees of sovereign honour are true, and rightly marshalled. *First*, the founders of estates, *then* the lawgivers, *then* the deliverers and saviours, after long calamities; *then* the fathers of their countries, which are just and prudent princes; and *lastly* conquerors, which honour is not to be received amongst the rest; except it be where there is an addition of more country and territory to a better government than that was of the conquered.

Dedication to Elements of the Common Law. " To her sacred Majesty. I do here most humbly present and dedicate to your sacred majesty a sheaf and cluster of fruit of the good and favourable season, which, by the influence of your happy government, we enjoy; for if it be true that *silent leges inter arma*, it is also as true, that your majesty is, in a double respect, the life of our laws, once, because without your authority they are but *litera mortua*; and again, because you are the life of our peace, without which laws are put to silence. And as the vital spirits do not only maintain and move the body, but also contend to perfect and renew it, so your sacred majesty, who is *anima legis*, doth not only give unto your laws force and vigour, but also hath been careful of their amendment and reforming; wherein your majesty's proceeding may be compared, as in that part of your government, for if your government be considered in all the parts, it is incomparable, with the former doings of the most excellent princes that ever have reigned, whose study altogether hath been always to adorn and honour times of peace with the amendment of the policy of their laws. Of this proceeding in Augustus Cæsar the testimony yet remains.

Pace data terris, animum ad civilia vertit
Jura suum; legesque tulit justissimus auctor.

Hence was collected the difference between *gesta in armis* and *acta in toga*, whereof he disputeth thus:

Ecquid est, quod tam proprie dici potest actum ejus qui togatus in republica cum potestate imperioque versatus sit quam lex? quære acta Gracchi? leges Sempronii proferantur. Quære Syllæ: Corneliæ? Quid? Cn. Pom. tertius consulatus in quibus actis consistet? nempe in legibus: à Cæsare ipso si quæreres quidnam egisset in urbe, et in toga: * *leges multas se responderet, et præclaras tulisse.*

The same desire long after did spring in the emperor Justinian, being rightly called *ultimus imperatorum Romanorum*, who, having peace in the heart of his empire, and making his wars prosperously in the remote places of his dominions by his lieutenants, chose it for a monument and honour of his government, to revise the Roman laws, from infinite volumes and much repugnancy, into one competent and uniform corps of law; of which matter himself doth speak gloriously, and yet aptly calling it, *proprium et sanctissimum templum justitiæ consecratum:* a work of great excellency indeed, as may well appear, in that France, Italy, and Spain, which have long since shaken off the yoke of the Roman empire, do yet nevertheless continue to use the policy of that law: but

* Phil. i. c. 7.

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more excellent had the work been, save that the more ignorant and obscure time undertook to correct the more learned and flourishing time. To conclude with the domestical example of one of your majesty's royal ancestors: King Edward I. your majesty's famous progenitor, and the principal lawgiver of our nation, after he had in his younger years given himself satisfaction in the glory of arms, by the enterprise of the Holy Land, and having inward peace, otherwise than for the invasions which himself made upon Wales and Scotland, parts far distant from the centre of the realm, he bent himself to endow his state with sundry notable and fundamental laws, upon which the government hath ever since principally rested. Of this example, and others the like, two reasons may be given; the one, because that kings, which, either by the moderation of their natures, or the maturity of their years and judgment, do temper their magnanimity with justice, do wisely consider and conceive of the exploits of ambitious wars, as actions rather great than good; and so, distasted with that course of winning honour, they convert their minds rather to do somewhat for the better uniting of human society, than for the dissolving or disturbing of the same. Another reason is, because times of peace, for the most part drawing with them abundance of wealth and finesse of cunning, do draw also, in further consequence, multitude of suits and controversies, and abuses of laws by evasions and devices; which inconveniences in such time growing more general, do more instantly solicit for the amendment of laws to restrain and repress them.

Your majesty's reign having been blest from the highest with inward peace, and falling into an age wherein, if science be increased, conscience is rather decayed; and if men's wits be great their wills be greater; and wherein also laws are multiplied in number, and slackened in vigour and execution; it was not possible but that not only suits in law should multiply and increase, whereof a great part are always unjust, but also that all the indirect courses and practices to abuse law and justice should have been much attempted and put in ure, which no doubt had bred greater enormities, had they not, by the royal policy of your majesty, by the censure and foresight of your council table and star-chamber, and by the gravity and integrity of your benches, been repressed and restrained: for it may be truly observed, that, as concerning frauds in contracts, bargains, and assurances, and abuses of laws by delays, covins, vexations, and corruptions in informers, jurors, ministers of justice, and the like, there have been sundry excellent statutes made in your majesty's time, more in number, and more politic in provision, than in any your majesty's predecessors' times."

In other parts of his works he states his opinions as to the persons who are the best legal reformers, viz.

Philosophers not good Improvers. { 1. Philosophers. 2. Lawyers.

Politicians best Improvers.

In his tract on Justitia Universalis, in the treatise De Augmentis, vol. ix. he says: "Restat jam desideratum alterum ex iis, quæ posuimus, duobus; nimirùm, de Justitiâ Universali, sive de Fontibus Juris.

Qui de legibus scripserunt, omnes vel tanquam philosophi, vel tanquam jurisconsulti, argumentum illud tractaverunt. Atque philosophi proponunt multa dictu pulcra, sed ab usu remota. Jurisconsulti autem, suæ quisque patriæ legum (vel etiam Romanarum, aut pontificiarum) placitis obnoxii et addicti, judicio sincero non utuntur, sed tanquam e vinculis sermocinantur. Certè cognitio ista ad viros civiles propriè spectat; qui optimè nôrunt quid ferat societas humana, quid salus populi, quid æquitas naturalis, quid gentium mores, quid rerumpublicarum formæ diversæ; ideòque possint de legibus ex principiis et præceptis, tam æquitatis naturalis quàm politices, decernere. Quamobrem id nunc agatur, ut fontes justitiæ et utilitatis publicæ petantur, et in singulis juris partibus character quidam et idea justi exhibeatur, ad quam particularium regnorum et rerumpublicarum leges probare, atque indè emendationem moliri quisque, cui hoc cordi erit et curæ, possit. Hujus igitur rei, more nostro, exemplum in uno titulo proponemus."

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In his notice of universal justice, in the Advancement of Learning, he says: "For the more public part of government, which is laws, I think good to note only one deficience; which is, that all those that have written of laws have written either as philosophers or lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high. For the lawyers, they write according to the states where they live; what is received law, and not what ought to be law; for the wisdom of a law-maker is one, and of a lawyer is another. For there are in nature certain fountains of justice, whence all civil laws are derived but as streams; and, like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains. Again, the wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof; taking into consideration by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and incertainty of law; by what means law may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws; what influence laws touching private right of *meum* and *tuum* have into the public state, and how they may be made apt and agreeable; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles or without; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity and crossness; how they are to be expounded, when upon causes emergent, and judicially discussed; and when upon responses and conferences touching general points or questions; how they are to be pressed, rigorously or tenderly; how they are to be mitigated by equity and good conscience, and whether discretion and strict law are to be mingled in the same courts, or kept apart in several courts. Again, how the practice, profession, and erudition of law is to be censured and governed; and many other points touching the administration, and, as I may term it, animation of laws. Upon which I insist the less, because I propose, if God give me leave, having begun a work of this nature in aphorisms, to propound it hereafter, noting it in the meantime for deficient." Vol. ii. p. 296.

The reasons why men of learning are supposed not to be good reformers, may be collected from the objections by politicians to the advancement of learning, who think that the discourses of the philosopher are like the stars which give little light, because they are so high. The politician says learning doth mar and pervert men's dispositions for matter of government and policy, in making them too curious and irresolute by variety of reading, or too peremptory or positive by strictness of rules and axioms, or too immoderate and overweening by reason of the greatness of examples, or too incompatible and differing from the times, by reason of the dissimilitude of examples. Vol. ii. p. 14.

Although Lord Bacon in these observations sanctions the common but erroneous opinion that philosophers are utopian; that they are so ignorant of human nature, as, by hasty generalization, to suppose that all men are immediately capable of the same perfection, he does not so suppose in another part of the Advancement of Learning, when speaking of the objections to learning from the manners of learned men. See vol. ii. page 15.

If Lord Bacon is right in supposing that, in his time lawyers were not the best improvers, it may be well deserving consideration, whether the supposition is not increased in the present times. Lord Bacon, when enumerating the objections by politicians to the advancement of learning, says, "that the advancement of learning has a tendency to divert men of intellect from active life." His words are, "it doth divert men's travels from action and business, and bringeth them to a love of leisure and privateness; and that it doth bring into states a relaxation of discipline, whilst every man is more ready to argue, than to obey and execute." (*a*) If this is true, it will, perhaps, follow, that as society advances in knowledge, the bar will not abound with men of the greatest

(*a*) Vol. ii. p. 14.

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attainment. The pleasures of intellect being greater than the pleasures of ambition or of wealth. Cicero says: "Sed quid ego hæc, quæ cupio deponere, et toto animo atque omni cura φιλοσοφεῖν? Sic, inquam, in animo est; vellem ab initio." To the same effect Mr. Burke says, "Indeed, my lord, I greatly deceive myself, if, in this hard season, I would give a peck of refuse wheat for all that is called fame and honour in the world. This is the appetite but of a few." So says Mr. Burke; but, as knowledge advances, it may, unfortunately for activity in government, be the appetite of many; and if so, the common ranks of life will not be filled with the ablest men. William Wordsworth, Robert Southey, Mr. Robert Smith, Sir James Mackintosh, and Sir William Grant, are instances now before me of eminent men who have lately shrunk from their laborious occupations; and when the present mass of law is considered; when it is remembered that since the year 1800 there have been thirty volumes of statutes, and perhaps one hundred volumes of reports, the professional prospects to men who know the shortness and value of life, will not in our times be considered attractive by men of the greatest attainment.

Lord Bacon attempts to answer this objection; whether satisfactorily or not is another question. He says: "And that learning should take up too much time or leisure: I answer; the most active or busy man, that hath been or can be, hath, no question, many vacant times of leisure, while he expecteth the tides and returns of business (except he be either tedious and of no dispatch, or lightly and unworthily ambitious to meddle in things that may be better done by others): and then the question is but, how those spaces and times of leisure shall be filled and spent; whether in pleasures or in studies; as was well answered by Demosthenes to his adversary Æschines, that was a man given to pleasure, and told him that his orations did smell of the lamp: 'Indeed,' said Demosthenes, 'there is a great difference between the things that you and I do by lamp-light.' So as no man need doubt that learning will expulse business; but rather it will keep and defend the possession of the mind against idleness and pleasure, which otherwise at unawares may enter, to the prejudice of both." (*a*)

No man knew better, none perhaps so well, as Lord Bacon, that intellectual pleasures are the most exquisite pleasures which an intellectual being is capable of enjoying. He expresses this in various parts of his works. "God hath made all things beautiful or decent in the true return of their seasons; also he hath placed the world in man's heart: yet cannot man find out the work which God worketh from the beginning to the end, declaring, not obscurely, that God hath framed the mind of man as a mirror or glass, capable of the image of the universal world, and joyful to receive the impression thereof, as the eye joyeth to receive light, and not only delighted in beholding the variety of things, and vicissitudes of times, but raised how to find out and discover the ordinances and decrees which throughout all these changes are infallibly observed." (*b*)

This being the case, what prospect is there that men of the greatest attainments will "delve in law's laborious mine."

Mr. C. Butler, in his Essay on the Life of Chancellor de l'Hôpital, says, "When a magistrate, after the sittings of the court, returned to his family, he had little temptation to stir again from home. His library was necessarily his sole resource; his books his only company. To this austere and retired life, we owe the Chancellor de l'Hôpital, the President de Thou, Pasquier, Loisel, the Pithous, and many other ornaments of the magistracy." I am afraid this is not now to be expected in England.

Proper use of Lawyers in legal Improvement. Although lawyers are not perhaps the best improvers of laws, their use in expressing intended improvements cannot be doubted. "If the lawyer, instead of abounding with knowledge, might be described as he was described two thousand years since, 'leguleius quidam cautus, et acutus præco actionum, cantor formularum, auceps syllabarum,' these very properties would be made subservient to the common good in modelling the laws which wisdom suggests."

(*a*) Vol. ii. p. 21. (*b*) Vol. ii. p. 9.

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The duties of a lawyer, with respect to improvement of the law, may, possibly, be thus stated, after the manner of Fuller:

1. *Having shared the fruits he endeavours to strengthen the root and foundation of the science of law.*

2. *He resists injudicious attempts to alter the law.*

Knowing that zeal is more frequent than wisdom, that the meanest trade is not attempted without an apprenticeship, but every man thinks himself qualified by intuition for the hardest of all trades, that of government, he is ever ready to resist crude proposals for amendment. His maxim is, "To innovate is not to reform."

Lord Bacon, zealous as he was for all improvement; believing, as he did, in the omnipotence of knowledge, that "the spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets;" and branding the idolaters of old times as a scandal to the new—says, "It is good not to try experiments in states, except the necessity be urgent, or the utility evident; and well to beware that it be the reformation that draweth on the change, and not desire of change that pretendeth the reformation: that novelty, though it be not rejected, yet be always suspected: and, as the Scripture saith, 'that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way and so to walk in it.'"

3. *He does not resist improvement of the law.*

Tenacity in retaining opinion, common to us all, is one of Lord Bacon's 'Idols of the Tribe,' and attachment by professional men to professional knowledge, is an idol of the den common to all professions. "I hate the steam boat," said an old Greenwich pensioner; "it is contrary to nature." Our advocate, therefore, is on his guard against this idolatry: he remembers that the lawyers, and particularly St. Paul, were the most violent opposers of christianity, and that the civilians, upon being taunted by the common lawyers with the cruelty of the rack, answered "non ex sævitia sed ex bonitate tala faciunt homines." Nor does he forget the lawyer in the Utopia, who, when the Archbishop of Canterbury, venerable for his age and learning, said, "Upon these reasons it is that I think putting thieves to death is not lawful," the counsellor answered, "That it could never take place in England without endangering the whole nation. As he said this, he shook his head, made some grimaces, and held his peace.

4. *He is aware that lawyers are not the best improvers of law.*

During a debate in the House of Lords June 13, 1827, Lord Tenterden is reported to have said that it was fortunate that the subject (the amendment of the laws) had been taken up by a gentleman of an enlarged mind (Mr. Peel) who had not been bred to the law, for those who were, were rendered dull by habit, to many of its defects. And Lord Bacon says, "Qui de legibus scripserunt, omnes, vel tanquam philosophi, vel tanquam jurisconsulti, argumentum illud tractaverunt. Atque philosophi proponunt multa, dictu pulchra, sed ab usu remota. Jurisconsulti autem, suæ quisque patriæ legum, vel etiam Romanarum, aut Pontificiarum, placitis obnoxii et addicti, judicio sincero non utuntur, sed tanquam e vinculis sermocinantur. Certe cognitio ista ad viros civiles proprie spectat; qui optime norunt, quid ferat societas humana, quid salus populi, quid æquitas naturalis, quid gentium mores, quid rerumpublicarum formæ diversæ: ideoque possint de legibus, ex principiis et præceptis, tam æquitatis naturalis, quam politices, decernere."

5. *He resists erroneous modes of altering bad law.*

Lawyers have a tendency, instead of inquiring whether the principle of a law is right, to alter upon the assumption that the principle is well founded.

In 1809 Sir Samuel Romilly proposed to alter the law in bankruptcy, by which a creditor has an arbitrary power to withhold his consent to the allowance of the certificate, by enabling the debtor, after the lapse of two years, provided there was a large majority in number and value of creditors who had signed the certificate, to call upon his creditor to shew cause why the certificate should not be allowed. Sir Samuel thought, that the principle of the law was erroneous; that it had a tendency to prevent a full disclosure of the estate, from the fear of

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irritating creditors by exposure: and to prevent the obtaining possession of the estate after disclosure, by rendering the witness incompetent: and that it had a tendency to produce bribery and perjury; that, even if a creditor ought to have a reasonable time to gratify his injured feelings, the time ought to be limited; and he thought that the law, giving this power to an irritated individual, would be perverted by some of the many bad passions, which ought not to interfere in the administration of justice, such as resentment; love of power; the hope of bribery, against which the legislature had vainly attempted to guard; the hope of concealment; the hope to prevent the bankrupt's receiving any allowance; the hope to prevent his being a witness; or the fear of competition in trade: and he stated this to be the law in Holland, where commercial legislation is well understood. The bill passed the House of Commons: it was rejected in the Lords, upon a proposal by Lord Eldon, (who was then Chancellor,) that the requisite number and value of signatures should be reduced from four-fifths to three-fifths.

About the same time Sir Samuel proposed that the law by which the stealing to the amount of five shillings privately in a shop was punishable by death, should be altered, as it was founded on an erroneous principle. It was suggested that the punishment ought not to be diminished, but the amount of the goods stolen increased.

In various of the acts for the relief of insolvent debtors, which passed to mitigate the severe operation of arbitrary imprisonment for debt, the reason assigned in the preamble was, that the gaol was too full. The following is a specimen: 6 Geo. III. c. 70. Whereas, notwithstanding the great prejudice and detriment which occasional acts of insolvency may produce to trade and credit, it may be expedient, in the present condition of the prisons and gaols in this kingdom, that some of the prisoners who are now confined should be set at liberty; be it, &c.

In May 1827, it was proposed to parliament to alter the law for arrest on mesne process to the sum of 20*l*. Our advocate therefore resists such attempts, which, instead of meeting, perpetuate the evil, which

> "Keep the word of promise to our ear,
> And break it to our hope."

6. *He assists in the improvement of the law.*

While he dwells in doubt, and is in a strait between the ancient error and infant truth, he endeavours to improve himself, but after patient and successful travail after truth, he diffuses the knowledge which he has obtained. Having in the beginning consulted Argus with his hundred eyes, he now trusts to Briareus with his hundred hands.

7. *He is not deterred from assisting in the improvement of the law by the fear of worldly injury.*

Neither in general conduct nor in particular emergencies, are his plans subservient to considerations of rewards, estate, or title: these are not to have precedence in his thoughts, to govern his actions, but to follow in the train of his duty. In the conclusion of Sir Samuel Romilly's speech in the House of Commons, on the 26th May, 1810, he says, "It is a common, and may be a convenient mode of proceeding, to prevent the progress of improvement, by endeavouring to excite the odium with which all attempts to reform are attended. Upon such expedients it is scarcely necessary for me to say, that I have calculated. If I had consulted only my own immediate interests, my time might have been more profitably employed in the profession in which I am engaged. If I had listened to the dictates of prudence, if I had been alarmed by such prejudices, I could easily have discovered that the hope to amend law is not the disposition most favourable for preferment. I am not unacquainted with the best road to Attorney-Generalships and Chancellorships; but in that path which my sense of duty dictates to be right, I shall proceed; and from this no misunderstanding, no misrepresentation shall deter me."

8. *He is not deterred from endeavouring to improve the law by the censure ever attendant upon attempts to reform.*

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He knows that the multitude will cry out for Barabbas, and that ignorance has an antipathy to intellect.

> " 'Tis a rich man's pride, there having ever been
> More than a feud, a strange antipathy
> Between us and true gentry."

He knows this, but proceeds, secure of his own approbation, and the sympathy of the virtuous and intelligent.

10. *If the principle of the law is erroneous, he endeavours to extirpate it, with its attendant injustice and litigation.*

If the principles of the laws against usury or witchcraft or widows burning themselves are erroneous, he endeavours to procure their repeal. In these cases he remembers the maxim of Sir Edward Coke, " Si quid moves a principio moveas; errores ad principia referre est refellere." He remembers the old maxim, " He who in the cure of politic or of natural disorders shall rest himself contented with second causes, without setting forth in diligent travel to search for the original source of evil, doth resemble the slothful husbandman, who moweth down the heads of noisome weeds, when he should carefully pull up the roots; and the work shall ever be to do again."

11. *If the principle is right, he endeavours to modify it, according to times and circumstances.*

If the principle of the laws against usury is well founded, he varies the rate of interest; or in witchcraft he mitigates the severity of the punishment. In these cases he remembers the admonition of Sir Matthew Hale, " We must do herein, as a wise builder doth with an house that hath some inconveniences, or is under some decays. Possibly here or there a door or a window may be altered, or a partition made; but as long as the foundations or principles of the house be sound, they must not be tampered with. The inconveniences in the law are of such a nature, as may be easily remedied without unsettling the frame itself; and such amendments, though they seem small and inconsiderable, will render the whole fabric much more safe and useful."

12. *If he is advanced to any office of authority, he uses his power to improve the law.*

Sir Francis Bacon was no sooner appointed attorney-general than he dedicated to the king his proposals for compiling and amending the laws of England. " Your majesty," he says, " of your favour having made me privy counsellor, and continuing me in the place of your attorney-general, I take it to be my duty, not only to speed your commandments and the business of my place, but to meditate and to excogitate of myself, wherein I may best, by my travels, derive your virtues to the good of your people, and return their thanks and increase of love to you again. And after I had thought of many things, I could find, in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling of the laws of England." And having traced the exertions of different legislators from Moses to Augustus, he says, " Cæsar, si ab eo quæreretur, quid egisset in togâ; leges se respondisset multas et præclaras tulisse;" and his nephew Augustus did tread the same steps, but with deeper print, because of his long reign in peace; whereof one of the poets of his time saith,

> " Pace data terris, animum ad civilia vertit
> Jura suum; legesque tulit justissimus auctor."

So too, Sir Samuel Romilly was no sooner promoted to the office of Solicitor General, than he submitted to parliament his proposals for the improvement of the Bankrupt Law and the Criminal Law. " Long," he says, " has Europe been a scene of carnage and desolation. A brighter prospect has now opened before us.

> ——" Peace hath her victories
> Not less renowned than war."

This note is written in December 1832, when legal reform, having triumphed over the obstacles by which it has for two centuries been resisted, is now nobly

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prevailing. Let me mention the efforts which, during the struggle, were made by my friends, Joseph Parkes of Birmingham, and Charles Cooper of Lincoln's Inn; by Jeremy Bentham, to whose exertions in contemplative life, society is for ever indebted: and his friend Sir Samuel Romilly, and Lord Brougham, now Lord Chancellor, to whose exertions in active life society is more indebted than, since the time of Lord Bacon, it ever was to any individual for the diffusion through the community of all knowledge, and for the advancement of legal reform. "That," says Lord Bacon, "will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and strongly conjoined and united together, than they have been: a conjunction like unto that of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action." I please myself with the hope that these improvements will be continued cautiously but vigorously: that the Chancellor will assist in separating the judicial and political functions of the Chancellor: that imprisonment for debt will be abolished: and, to insure a perpetuity of these improvements, that he will be the promoter and patron of a national or professional advocate's library, and consider Lord Bacon's constant suggestion that there should be a board of legal reformers, that a living spring may mix with the stagnant waters, and reform advance calmly and steadily.

In Bacon's first speech in parliament, ante, note B B, he says, "The Romans they appointed ten men who were to collect or recall all former laws, and to set forth those twelve tables so much of all men commended. The Athenians likewise appointed six for that purpose. And Lewis the Ninth, King of France, did the like in reforming his laws."

He repeats this in his proposal, made when he was attorney-general, for the amendment of the laws of England: "The Romans, by their Decemviri, did make their twelve tables; but that was indeed a new enacting or constituting of laws, not a registering or recompiling; and they were made out of the laws of the Grecians, not out of their own customs. In Athens they had Sexviri, which were standing commissioners to watch and to discern what laws waxed unproper for the time; and what new law did, in any branch, cross a former law, and so, *ex officio*, propounded their repeals. King Lewis XI. of France, had it in his intention to have made one perfect and uniform law, out of the civil law Roman, and the provincial customs of France." The same observation is contained in his offer of a digest of the law published after his death. "In Athens they had Sexviri, (as Æschines observeth) which were standing commissioners, who did watch to discern what laws waxed improper for the times, and what new law did in any branch cross a former law, and so *ex officio* propounded their repeal." And in his tract on Universal Justice, Aph. 55, vol. ix. he says, "Erat in more apud Athenienses ut contraria legum capita (que Antinomias vocant) quotannis à sex viris examinarentur, et quæ reconciliari non poterant proponerentur populo, ut de illis certum aliquid statueretur. Ad quorum exemplum, ii, qui potestatem in singulis politiis legum condendarum habent, per triennium, aut quinquennium, aut proùt videbitur, Antinomias retractanto. Eæ autem à viris, ad hoc delegatis, priùs inspiciantur et præparentur, et demùm comitiis exhibeantur, ut quod placuerit, per suffragia stabiliatur, et figatur."

D D. *Life, p.* xxviii.

Extract from Dewe's Journal of the House of Commons, p. 493.—Mr. F. Bacon assented to three subsidies, but not to the payments under six years; and to this propounded three questions, which he desired might be answered. The first, impossibility or difficulty; the second, danger or discontentment; and thirdly, a better manner of supply than subsidy. For impossibility, the poor men's rent is such as they are not able to yield it, nor to pay so much for the present. The gentlemen must sell their plate, and farmers their brass pots ere this will be paid; and for us, we are here to search the wounds of the realm, and not to skin them over; therefore not to persuade ourselves of their wealth more than it is. The dangers are these: we shall first breed discontentment in paying these subsidies, and in the cause endanger her majesty's safety, which

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must consist more in the love of the people than in their wealth, and therefore not to give them discontentment in paying these subsidies: thus we run into a double peril. In putting two payments into one, we make a double subsidy; for it maketh four shillings in the pound a double payment. The second is this, that this being granted to this sort, other princes hereafter will look for the like; so we shall put an evil precedent upon ourselves and our posterity. And in histories it is to be observed, of all nations the English are not to be subject, base, or taxable. The manner of supply may be by levy or imposition when need shall most require, so when her majesty's coffers are empty they may be filled by this means.

E E. *Life*, *p.* xxviii.

Sir Francis Bacon to the Lord Treasurer, touching his Speech in Parliament.

It may please your good Lordship,—I was sorry to find by your lordship's speech yesterday, that my last speech in parliament, delivered in discharge of my conscience, my duty to God, her majesty, and my country, was offensive: if it were misreported, I would be glad to attend your lordship, to disavow any thing I said not; if it were misconstrued, I would be glad to expound my words, to exclude any sense I meant not; if my heart be misjudged by imputation of popularity, or opposition, I have great wrong, and the greater, because the manner of my speech did most evidently shew that I spake most simply, and only to satisfy my conscience, and not with any advantage or policy to sway the case, and my terms carried all signification of duty and zeal towards her majesty and her service. It is very true, that from the beginning, whatsoever was a double subsidy I did wish might for precedent's sake appear to be extraordinary, and for discontent's sake might not have been levied upon the poorer sort, though otherwise I wished it as rising as I think this will prove, or more. This was my mind, I confess it; and therefore I most humbly pray your lordship, first, to continue me in your own good opinion, and then, to perform the part of an honourable good friend towards your poor servant and ally, in drawing her majesty to accept of the sincerity and simplicity of my zeal, and to hold me in her majesty's favour, which is to me dearer than my life, and so, etc. Your Lordship's most humble in all duty, Fr. Bacon.

Mr. Francis Bacon to Sir John Puckering, Lord Keeper of the Great Seal.

My Lord,—It is a great grief unto me, joined with marvel, that her majesty should retain an hard conceit of my speeches in parliament. It might please her sacred majesty to think what my end should be in those speeches, if it were not duty, and duty alone. I am not so simple, but I know the common beaten way to please. And whereas popularity hath been objected, I muse what care I should take to please many, that take a course of life to deal with few. On the other side, her majesty's grace and particular favour towards me hath been such, as I esteem no worldly thing above the comfort to enjoy it, except it be the conscience to deserve it. But if the not seconding of some particular person's opinion shall be presumption, and to differ upon the manner shall be to impeach the end; it shall teach my devotion not to exceed wishes, and those in silence. Yet notwithstanding (to speak vainly as in grief) it may be her majesty hath discouraged as good a heart as ever looked toward her service, and as void of self-love. And so in more grief than I can well express, and much more than I can well dissemble, I leave your lordship, being as ever, your Lordship's entirely devoted, &c.

F F. *Life*, *p.* xxviii.

No man better understood the doctrine both of concealment and of revelation of opinion than Lord Bacon. He well knew that nakedness is unseemly as well in mind as in body, but the nature of his, and perhaps of every mind which beholds things as from a cliff, is to view extensively and to speak freely. It is,

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he says, part of policy to observe a discreet mediocrity in the declaring, or not declaring a man's self: for although depth of secrecy, and making way, "qualis est via navis in mari," be sometimes both prosperous and admirable; yet many times "Dissimulatio errores parit, qui dissimulatorem ipsum illaqueant;" and therefore, we see the greatest politicians have in a natural and free manner professed their desires, rather than been reserved and disguised in them.

See the Advancement of Learning, under the head of the Art of Advancement in Life, and under that part of it which relates to the arts of declaring and of revealing a man's self (pages 278 and 285, vol. ii. of this edition), and see in the treatise De Augmentis, when the same subject is considered, under his comment on "a fool utters all his mind, but a wise man reserves somewhat for hereafter." See also his Essay on Simulation and Dissimulation, vol. i. p. 17. See his conclusion of the first book of the Advancement of Learning, page 88 of vol. ii. of this edition. See his essay on Goodness of Nature, vol. i. p. 40. "Neither give thou Æsop's cock a gem, who would be better pleased and happier if he had a barleycorn."

H H. *Life*, *p.* xxx.

To the Right Honourable, &c. the Lord Keeper, &c.

My very good Lord,—Because I understand your lordship remaineth at court till this day, and that my lord of Essex writeth to me, that his lordship cometh to London, I thought good to remember your lordship, and to request you, as I touched in my last, that if my Lord Treasurer be absent, your lordship would forbear to fall into my business with her majesty, lest it might receive some foil before the time when it should be resolutely dealt in. And so commending myself to your good favour, I most humbly take my leave. Your Lordship's, in all humble duty and service,—Fr. Bacon.

From Gray's Inn, this 8th of April, 1594.

To the Right Honourable his very good Lord, the Lord Keeper of the Great Seal, &c.

My very good Lord,—I was wished to be here ready in expectation of some good effect; and therefore I commend my fortune to your lordship's kind and honourable furtherance. My affection inclineth me to be much [your] lordship's, and my course and way, in all reason and policy for myself, leadeth me to the same dependence: hereunto if there shall be joined your lordship's obligation in dealing strongly for me as you have begun, no man can be more yours. A timorous man is every body's, and a covetous man is his own. But if your lordship consider my nature, my course, my friends, my opinion with her majesty, if this eclipse of her favour were past, I hope you will think I am no unlikely piece of wood to shape you a true servant of. My present thankfulness shall be as much as I have said. I humbly take my leave. Your Lordship's true humble servant,—Fr. Bacon.

From Greenwich, this 5th of April, 1594.

To the Right Honourable the Lord Keeper, &c.

It may please your good Lordship,—I understand of some business like enough to detain the queen to-morrow, which maketh me earnestly to pray your good lordship, as one that I have found to take my fortune to heart, to take some time to remember her majesty of a solicitor this present day. Our Tower employment stayeth, and hath done these three days, because one of the principal offenders being brought to confess, and the other persisting in denial, her majesty, in her wisdom, thought best some time were given to him that is obstinate, to bethink himself; which indeed is singular good in such cases. Thus desiring your lordship's pardon, in haste I commend my fortune and duty to your favour. Your Lordship's most humbly to receive your commandments,

From Gray's Inn, this 13th of August, 1594. Fr. Bacon.

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I I. *Life, p.* xxx.

To the Right Honourable the Lord Keeper, &c.

My Lord,—In my last conference with your lordship, I did entreat you both to forbear hurting Mr. Fr. Bacon's cause, and to suspend your judgment of his mind towards your lordship, till I had spoken with him. I went since that time to Twickenham Park to confer with him, and had signified the effect of our conference by letter ere this, if I had not hoped to have met with your lordship, and so to have delivered it by speech. I told your lordship when I last saw you, that this manner of his was only a natural freedom, and plainness, which he had used with me, and in my knowledge with some other of his best friends, than any want of reverence towards your lordship; and therefore I was more curious to look into the moving cause of his style, than into the form of it; which now I find to be only a diffidence of your lordship's favour and love towards him, and no alienation of that dutiful mind which he hath borne towards your lordship. And therefore I am fully persuaded, that if your lordship would please to send for him, there would grow so good satisfaction, as hereafter he should enjoy your lordship's honourable favour, in as great a measure as ever, and your lordship have the use of his service, who, I assure your lordship, is as strong in his kindness, as you find him in his jealousy. I will use no argument to persuade your lordship, that I should be glad of his being restored to your lordship's wonted favour; since your lordship both knoweth how much my credit is engaged in his fortune, and may easily judge how sorry I should be, that a gentleman whom I love so much, should lack the favour of a person whom I honour so much. And thus commending your lordship to God's best protection, I rest your Lordship's very assured, Essex.

Indorsed---31 August, 95. My Lord of Essex to have me send for Mr. Bacon, for he will satisfy me. In my Lord Keeper's own hand.

K K. *Life, p.* xxx.

Lord Treasurer Burghley to Mr. Francis Bacon.*

Nephew,---I have no leisure to write much; but for answer I have attempted to place you: but her majesty hath required the Lord Keeper† to give to her the names of divers lawyers to be preferred, wherewith he made me acquainted, and I did name you as a meet man, whom his lordship allowed in way of friendship, for your father's sake: but he made scruple to equal you with certain, whom he named, as Brograve‡ and Branthwayt, whom he specially commendeth. But I will continue the remembrance of you to her majesty, and implore my Lord of Essex's help. Your loving Uncle, W. Burghley.

Sept. 27, 1593.

L L. *Life, p.* xxx.

To the Right Honourable the Lord Keeper, &c.§

It may please your Lordship,—I thought it became me to write to your lordship, upon that which I have understood from my Lord of Essex, who vouchsafed, as I perceive, to deal with your lordship of himself to join with him in

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* Among the papers of Antony Bacon, esq. vol. iii. fol. 197, in the Lambeth Library.

† Puckering.

‡ John Brograve, attorney of the duchy of Lancaster, and afterwards knighted. He is mentioned by Mr. Francis Bacon, in his letter to the Lord Treasurer of 7th June, 1595, from Gray's Inn, as having discharged his post of attorney of the duchy with great sufficiency. There is extant of his, in print, a reading upon the statute of 27 Henry VIII. concerning jointures.

§ Harl. MSS. vol. 6997, No. 44.

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the concluding of my business, and findeth your lordship hath conceived offence, as well upon my manner when I saw your lordship at Temple last, as upon a letter, which I did write to your lordship some time before. Surely, my lord, for my behaviour, I am well assured, I omitted no point of duty or ceremony towards your lordship. But I know too much of the court to beg a countenance in public place, where I make account I shall not receive it. And for my letter, the principal point of it was, that which I hope God will give me grace to perform, which is, that if any idol man be offered to her majesty, since it is mixed with my particular, to inform her majesty truly, which I must do, as long as I have a tongue to speak, or a pen to write, or a friend to use. And farther I remember not of my letter, except it were that I writ, I hoped your lordship would do me no wrong, which hope I do still continue. For if it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her majesty, and your own virtue, your lordship is ascended; I know you will have a compunction of mind to do me any wrong. And therefore, good my lord, when your lordship favoureth others before me, do not lay the separation of your love and favour upon myself. For I will give no cause, neither can I acknowledge any, where none is; but humbly pray your lordship to understand things as they are. Thus sorry to write to your lordship in an argument which is to me unpleasant, though necessary, I commend your lordship to God's good preservation. Your Lordship's, in all humble respect,

From Twickenham Park, this 19th of August, 1595. FR. BACON.

To the Right Honourable the Lord Keeper, &c.*

It may please your Lordship,---There hath nothing happened to me in the course of my business more contrary to my expectation, than your lordship's failing me, and crossing me now in the conclusion, when friends are best tried. But now I desire no more favour of your lordship, than I would do if I were a suitor in the chancery; which is this only, that you would do me right. And I for my part, though I have much to allege, yet nevertheless, if I see her majesty settle her choice upon an able man, such a one as Mr. Sergeant Fleming, I will make no means to alter it. On the other side, if I perceive any insufficient, obscure, idol man offered to her majesty, then I think myself double bound to use the best means I can for myself; which I humbly pray your lordship I may do with your favour, and that you will not disable me farther than is cause. And so I commend your lordship to God's preservation, that beareth your Lordship all humble respect, FR. BACON.

From Gray's Inn, the 28th of July, 1595.

Indorsed, in Lord Keeper's hand---Mr. Bacon wronging me.

M M. *Life*, *p.* xxx.

Your lordship would yet *tueri opus tuum* and give as much life unto this present suit for the solicitor's place, as may be without offending the queen (for that were not good for me). This last request I find it more necessary for me to make, because (though I am glad of her majesty's favour, that I may with more ease practise the law, which percase I may use now and then for my countenance,) yet to speak plainly, though perhaps vainly, I do not think that the ordinary practice of the law, not serving the queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning, I shall reap no great benefit to myself in that course.

To Lord Burleigh.

I have ever had your lordship in singular admiration; whose happy ability her majesty hath so long used, to her great honour and yours. Besides that amendment of state or countenance, which I have received, hath been from

* Harl. MSS. vol. 6997, No. 37.

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your lordship. And therefore, if your lordship shall stand a good friend to your poor ally, you shall but "tueri opus" which you have begun. And your lordship shall bestow your benefit upon one that hath more sense of obligation than of self-love. Thus humbly desiring pardon of so long a letter, I wish your lordship all happiness. Your Lordship's in all humbleness to be commanded.

June 6, 1595. FR. BACON.

N N. *Life, p.* xxx.

The author of the Biographia says, It was now that he discovered how little reason he had to trust to, or depend upon, the Cecils, and had very little cause to be well pleased with the conduct of the then Lord Keeper. Is not this observation, as far as relates to Lord Burleigh unfounded?

In Essex's letter to Bacon, indorsed March 28, 1594, Essex says, "The queen said that none thought you fit for the place, but my Lord Treasurer and myself. So also in Essex's letter to Bacon, of the 18th of May, 1596, Essex says, "The queen answered that the greatness of your friends, as of my Lord Treasurer and myself, did make men even a more favourable testimony than else they would do, &c. And Bacon himself, in a letter to Sir Robert Cecil, accusing him of having been bribed, says, "You wrought in a contrary spirit to my lord your father." See also Burleigh's letter of September 27, 1593, ante, note.

In a letter to Lord Burleigh, after the appointment of Fleming, Bacon says, And therefore, (my singular good lord) "ex abundantia cordis," I must acknowledge how greatly and diversely your lordship hath vouchsafed to tie me unto you by many your benefits. The reversion of the office which your lordship only procured unto me, and carried through great and vehement opposition, though it yet bear no fruit, yet it is one of the fairest flowers of my poor estate; your lordship's constant and serious endeavours to have me solicitor: your late honourable wishes, for the place of the wards: together with your lordship's attempt to give me way by the remove of Mr. Solicitor; they be matters of singular obligations; besides many other favours, as well by your lordship's grants from yourself, as by your commendation to others, which I have had for my help; and may justly persuade myself out of the few denials I have received that fewer might have been, if mine own industry and good hap had been answerable to your lordship's goodness.

O O. *Life, p.* xxxi.

In a letter to Lord Burleigh, he says, If I did show myself too credulous to idle hearsays, in regard of my right honourable kinsman and good friend Sir Robert Cecil (whose good nature did well answer my honest liberty), your lordship will impute it to the complexion of a suitor, and of a tired sea-sick suitor, and not to mine own inclination.

P P. *Life, p.* xxxi.

Earl of Essex to Mr. Francis Bacon.

Sir,—I wrote not to you till I had had a second conference with the queen, because the first was spent only in compliments: she in the beginning excepted all business: this day she hath seen me again. After I had followed her humour in talking of those things, which she would entertain me with, I told her, in my absence I had written to Sir Robert Cecil, to solicit her to call you to that place, to which all the world had named you; and being now here, I must follow it myself; for I know what service I should do her in procuring you the place; and she knew not how great a comfort I should take in it. Her answer in playing just was, that she came not to me for that, I should talk of those things when I came to her, not when she came to me; the term was coming,

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and she would advise. I would have replied, but she stopped my mouth. To-morrow or the next day I will go to her, and then this excuse will be taken away. When I know more, you shall hear more; and so I end full of pain in my head, which makes me write thus confusedly. Your most affectionate friend.

The Earl of Essex to Mr. Francis Bacon.*

Mr. Bacon,—Your letter met me here yesterday. When I came, I found the queen so wayward, as I thought it no fit time to deal with her in any sort, especially since her choler grew towards myself, which I have well satisfied this day, and will take the first opportunity I can to move your suit. And if you come hither, I pray you let me know still where you are. And so being full of business, I must end, wishing you what you wish to yourself.

1593, Sept. Your assured friend, Essex.

The Earl of Essex to Mr. Francis Bacon.†

Sir,—I have now spoken with the queen, and I see no stay from obtaining a full resolution of what we desire. But the passion she is in by reason of the tales that have been told her against Nicholas Clifford, with whom she is in such rage, for a matter, which I think you have heard of, doth put her infinitely out of quiet; and her passionate humour is nourished by some foolish women. Else I find nothing to distaste us, for she doth not contradict confidently; which they, that know the minds of women, say is a sign of yielding. I will to-morrow take more time to deal with her, and will sweeten her with all the art I have to make *benevolum auditorem*. I have already spoken with Mr. Vice-Chamberlain,‡ and will to-morrow speak with the rest. Of Mr. Vice-Chamberlain you may assure yourself; for so much he hath faithfully promised me. The exceptions against the competitors I will use to-morrow; for then I do resolve to have a full and large discourse, having prepared the queen to-night to assign me a time under colour of some such business, as I have pretended. In the mean time I must tell you, that I do not respect either my absence, or my showing a discontentment in going away, for I was received at my return, and I think I shall not be the worse. And for that I am oppressed with multitude of letters that are come, of which I must give the Queen some account to-morrow morning, I therefore desire to be excused for writing no more to-night: to-morrow you shall hear from me again. I wish you what you wish yourself in this and all things else, and rest your most affectionate friend,

This Friday at night, Essex.

Indorsed, March 29, 1594.

Earl of Essex to Mr. Francis Bacon.

Sir,—I went yesterday to the queen through the galleries in the morning, afternoon, and at night. I had long speech with her of you, wherein I urged both the point of your extraordinary sufficiency proved to me not only by your last argument, but by the opinion of all men I spake withal, and the point of mine own satisfaction, which, I protested, should be exceeding great, if, for all her unkindness and discomforts past, she should do this one thing for my sake. To the first she answered, that the greatness of your friends, as of my Lord Treasurer and myself, did make men give a more favourable testimony than else they would do, thinking thereby they pleased us. And that she did acknowledge you had a great wit, and an excellent gift of speech, and much other good learning. But in the law she rather thought you could make show to the uttermost of your knowledge, than that you were deep. To the second she said,

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* Among the papers of Antony Bacon, esq. vol. iii. fol. 197, in the Lambeth Library.

† Among the papers of Antony Bacon, Esq. vol. iv. fol. 89, in the Lambeth Library.

‡ Sir Thomas Heneage.

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she showed her mislike to the suit, as well as I had done my affection in it; and that if there were a yielding, it was fitter to be of my side. I then added, that this was an answer, with which she might deny me all things, if she did not grant them at the first, which was not her manner to do. But her majesty had made me suffer and give way in many things else; which all I should bear, not only with patience, but with great contentment, if she would but grant my humble suit in this one. And for the pretence of the approbation given you upon partiality, that all the world, lawyers, judges, and all, could not be partial to you; for somewhat you were crossed for their own interest, and some for their friends; but yet all did yield to your merit.

Earl of Essex to Mr. Francis Bacon.*

Sir,—I have received your letter, and since I have had opportunity to deal freely with the Queen. I have dealt confidently with her as a matter, wherein I did more labour to overcome her delays, than that I did fear her denial. I told her how much you were thrown down with the correction she had already given you, that she might in that point hold herself already satisfied. And because I found that Tanfield† had been most propounded to her, I did most disable him. I find the Queen very reserved, staying herself upon giving any kind of hope, yet not passionate against you, till I grew passionate for you. Then she said, that none thought you fit for the place but my Lord Treasurer and myself. Marry, the others must some of them say before us, for fear or for flattery. I told her, the most and wisest of her council had delivered their opinions, and preferred you before all men for that place. And if it would please her majesty to think, that whatsoever they said contrary to their own words when they spake without witness, might be as factiously spoken, as the other way flatteringly, she would not be deceived. Yet if they had been never for you, but contrarily against you, I thought my credit, joined with the approbation and mediation of her greatest counsellors, might prevail in a greater matter than this; and urged her, that though she could not signify her mind to others, I might have a secret promise, wherein I should receive great comfort, as in the contrary great unkindness. She said she was neither persuaded nor would hear of it till Easter, when she might advise with her council, who were now all absent; and, therefore, in passion bid me go to bed, if I would talk of nothing else. Wherefore in passion I went away, saying, while I was with her I could not but solicit for the cause and the man I so much affected; and therefore I would retire myself till I might be more graciously heard; and so we parted. To-morrow I will go hence of purpose, and on Thursday I will write an expostulating letter to her. That night or upon Friday morning I will be here again, and follow on the same course, stirring a discontentment in her, &c. And so wish you all happiness, and rest your most assured friend,

Indorsed—March 28, 1594. ESSEX.

Mr. Francis Bacon to his brother Antony.

Good Brother,—Since I saw you this hath passed. Tuesday, though sent for, I saw not the Queen. Her majesty alleged she was then to resolve with the council upon her places of law. But this resolution was *ut supra*; and note the rest of the counsellors were persuaded she came rather forwards than otherwise; for against me she is never peremptory but to my lord of Essex. I missed a line of my Lord Keeper's; but thus much I hear otherwise. The Queen seemeth to apprehend my travel. Whereupon I was sent for by Sir Robert Cecil, in sort as from her majesty; himself having of purpose immediately gone to London to speak with me; and not finding me there, he wrote to me. Whereupon I came to the court, and upon his relation to me of her majesty's speeches,

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* Among the papers of Antony Bacon, Esq. vol. iv. fol. 90, in the Lambeth Library.

† Probably Laurence Tanfield, made Lord Chief Baron of the Exchequer in June, 1607.

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I desired leave to answer it in writing; not, I said, that I mistrusted his report, but mine own wit; the copy of which answer I send. We parted in kindness *secundum exterius*. This copy you must needs return, for I have no other; and I wrote this by memory after the original was sent away. The Queen's speech is after this sort. Why? I have made no solicitor. Hath any body carried a solicitor with him in his pocket? But he must have it in his own time (as if it were but yesterday's nomination) or else I must be thought to cast him away. Then her majesty sweareth thus: "If I continue this manner, she will seek all England for a solicitor rather than take me. Yea, she will send for Heuston and Coventry to-morrow next," as if she would swear them both. Again she entereth into it, that "she never deals so with any as with me (*in hoc erratum non est*) she hath pulled me over the bar (note the words, for they cannot be her own) she hath used me in her greatest causes. But this is Essex, and she is more angry with him than with me." And such like speeches, so strange, as I should lose myself in it, but that I have cast off the care of it. My conceit is, that I am the least part of mine own matter. But her majesty would have a delay, and yet would not bear it herself. Therefore she giveth no way to me, and she perceiveth her council giveth no way to others; and so it sticketh as she would have it. But what the secret of it is *oculus aquilæ non penetravit*. My lord continueth on kindly and wisely a course worthy to obtain a better effect than a delay, which to me is the most unwelcome condition.

Now to return to you the part of a brother, and to render you the like kindness, advise you, whether it were not a good time to set in strongly with the Queen to draw her to honour your travels. For in the course I am like to take it will be a great and necessary stay to me, besides the natural comfort I shall receive. And if you will have me deal with my lord of Essex, or otherwise break it by mean to the Queen, as that which shall give me full contentment, I will do it as effectually, and with as much good discretion as I can. Wherein if you aid me with your direction, I shall observe it. This as I did ever account it sure and certain to be accomplished, in case myself had been placed, and therefore deferred it till then, as to the proper opportunity; so now that I see such delay in mine own placing, I wish *ex animo* it should not expect.

I pray you let me know what mine uncle Killigrew will do; for I must be more careful of my credit than ever, since I receive so little thence where I deserved best. And, to be plain with you, I mean even to make the best of those small things I have with as much expedition, as may be without loss; and so sing a mass of requiem, I hope, abroad. For I know her majesty's nature, that she neither careth though the whole surname of Bacons travelled, nor of the Cecils neither.

I have here an idle pen or two, specially one, that was cozened, thinking to have got some money this term. I pray send me somewhat else for them to write out besides your Irish collection, which is almost done. There is a collection of King James, of foreign states, largeliest of Flanders; which, though it be no great matter, yet I would be glad to have it. Thus I commend you to God's good protection. Your entire loving Brother, Fr. Bacon.

From my lodging, at Twickenham Park,
this 25th of January, 1594.

To the right honourable my very good Lord, the Lord Keeper.

My Lord,---I have, since I spake with your lordship, pleaded to the queen against herself for the injury she doth Mr. Bacon, in delaying him so long, and the unkindness she doth me in granting no better expedition in a suit which I have followed so long, and so affectionately. And though I find that she makes some difficulty, to have the more thanks, yet I do assure myself she is resolved to make him. I do write this, not to solicit your lordship to stand firm in assisting me, because, I know, you hold yourself already tied by your affection to Mr. Bacon, and by your promise to me; but to acquaint your lordship of my resolution to rest, and employ my uttermost strength to get him placed before the term: so as I beseech your lordship think of no temporising course, for I shall think the Queen deals unkindly with me, if she do not

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both give him the place, and give it with favour and some extraordinary advantage. I wish your lordship all honour and happiness, and rest,

Your Lordship's very assured, ESSEX.

Greenwich, this 14th of January, [1594.]

Endorsed—My Lord of Essex, for Mr. Fran. Bacon to be Solicitor.

Earl of Essex to Lord Keeper Puckering.

My Lord,—My short stay at the court made me fail of speaking with your lordship, therefore I must write that which myself had told you; that is, that your lordship will be pleased to forbear pressing for a solicitor, since there is no cause towards the end of a term to call for it; and because the absence of Mr. Bacon's friends may be much to his disadvantage. I wish your lordship all happiness, and rest your Lordship's very assured to be commanded, ESSEX.

Wanstead, this 4th of May, 1594.

Q Q. *Life, p.* xxxii.

Mr. Francis Bacon to the Queen.

Madam,—Remembering that your majesty had been gracious to me both in countenancing me, and conferring upon me the reversion of a good place, and perceiving that your majesty had taken some displeasure towards me, both these were arguments to move me to offer unto your majesty my service, to the end to have means to deserve your favour, and to repair my error. Upon this ground, I affected myself to no great matter, but only a place of my profession, such as I do see divers younger in proceeding to myself, and men of no great note, do without blame aspire unto. But if any of my friends do press this matter, I do assure your majesty my spirit is not with them.

It sufficeth me that I have let your majesty know that I am ready to do that for the service, which I never would do for mine own gain. And if your majesty like others better, I shall, with the Lacedemonian, be glad that there is such choice of abler men than myself. Your majesty's favour indeed, and access to your royal person, I did ever, encouraged by your own speeches, seek and desire; and I would be very glad to be reintegrate in that. But I will not wrong mine own good mind so much as to stand upon that now, when your majesty may conceive I do it but to make my profit of it. But my mind turneth upon other wheels than those of profit. The conclusion shall be, that I wish your majesty served answerable to yourself. *Principis est virtus maxima nosse suos.* Thus I most humbly crave pardon of my boldness and plainness. God preserve your majesty.

R R. *Life, p.* xxxii.

Foulke Grevill, Esq. to Mr. Francis Bacon.

Mr. Francis Bacon,—Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had no lodging nearer than my uncle's, which is four miles off. This day I came thither to dinner, and waiting for to speak with the Queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remained as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you: which it pleased her majesty to confess, that indeed you began to frame very well, insomuch as she saw an amends in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-Chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a

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small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will one hundred pounds to fifty pounds that you shall be her solicitor, and my friend; in which mind, and for which mind I commend you to God. From the court this Monday in haste, your true friend to be commanded by you,

FOULKE GREVILL.

We cannot tell whether she come to ———, or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.

Indorsed—17th of June, 1594.

S S. *Life*, *p.* xxxii.

See an interesting discussion upon this subject, in Hazlitt's essay on this regal character, in his Political Essays.

T T. *Life*, *p.* xxxiii.

In a letter to Lord Burleigh, he says, When my father was appointed Attorney of the Duchy, and that he had discharged his duties with great sufficiency: And if her majesty thinketh that she shall make an adventure in using one that is rather a man of study than of practice and experience, surely I may remember to have heard that my father, an example, I confess, rather ready than like, was made solicitor of the Augmentation, a court of much business, when he had never practised, and was but twenty-seven years old; and Mr. Brograve was now in my time called attorney of the duchy, when he had practised little or nothing, and yet hath discharged his place with great sufficiency.

V V. *Life*, *p.* xxxiii.

To Foulk Grevil.

Sir,—My matter is an endless question. I assure you I had said, *Requiesce, anima mea:* but I now am otherwise put to my psalter; *Nolite confidere.* I dare go no farther. Her majesty had, by set speech, more than once assured me of her intention to call me to her service; which I could not understand but of the place I had been named to. And now, whether *invidus homo hoc fecit;* or whether my matter must be an appendix to my lord of Essex suit; or whether her majesty, pretending to prove my ability, meaneth but to take advantage of some errors, which like enough, at one time or other, I may commit; or what it is; but her majesty is not ready to dispatch it. And what though the master of the Rolls, and my lord of Essex, and yourself and others, think my case without doubt, yet in the mean time I have a hard condition to stand so, that whatsoever service I do to her majesty, it shall be thought but to be *servitium viscatum*, lime-twigs and fetches to place myself; and so I shall have envy, not thanks. This is a course to quench all good spirits, and to corrupt every man's nature; which will, I fear, much hurt her majesty's service in the end. I have been like a piece of stuff bespoken in the shop; and if her majesty will not take me, it may be the selling by parcels will be more gainful. For to be, as I told you, like a child following a bird, which, when he is nearest flieth away, and lighteth a little before, and then the child after it again, and so *in infinitum;* I am weary of it, as also of wearying my good friends: of whom, nevertheless, I hope in one course or other gratefully to deserve.

W W. *Life*, *p.* xxxiv.

From Bacon's Letter to the Earl of Devonshire.

And on the other side, I must and will ever acknowledge my lord's love, trust, and favour towards me, last of all his liberality, having infeofed me of land which I sold for eighteen hundred pounds to Master Reynold Nicholas, and I think was more worth, and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter; which though

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it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your lordship with the relating to you the manner of it. After the Queen had denied me the solicitor's place, for the which his lordship had been a long and earnest suitor on my behalf, it pleased him to come to me from Richmond to Twicknam Park, and brake with me, and said, Mr. Bacon, the Queen hath denied me the place for you, and hath placed another; I know you are the least part of your own matter, but you fare ill, because you have chosen me for your mean and dependance: you have spent your time and thoughts in my matters; I die (these were his very words) if I do not somewhat towards your fortune; you shall not deny to accept a piece of land, which I will bestow upon you. My answer, I remember was, that for my fortune it was no great matter; but that his lordship's offer made me call to mind what was wont to be said, when I was in France, of the Duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations; meaning that he had left himself nothing, but only had bound numbers of persons to him. Now, my lord, (said I) I would not have you imitate his course, nor turn your state thus by great gifts into obligations, for you will find many bad debtors. He bad me take no care for that, and pressed it: whereupon I said, My lord, I see I must be your homager, and hold land of your gift; but do you know the manner of doing homage in law? Always it is with a saying of his faith to the king and his other lords, and therefore, my lord, (said I) I can be no more yours than I was, and it may be with the ancient savings; and if I grow to be a rich man, you will give me leave to give it back to some of your unrewarded followers.

XX. *Life, p.* xxxiv.

In a letter to Sir Robert Cecil, he says: Casting the worst of my fortune with an honourable friend, that had long used me privately, I told his lordship of this purpose of mine to travel, accompanying it with these very words, that upon her majesty's rejecting me with such circumstance, though my heart might be good, yet mine eyes would be sore, that I should take no pleasure to look upon my friends; for that I was not an impudent man, that could face out a disgrace; and that I hoped her majesty would not be offended, that, not able to endure the sun, I fled into the shade.

Mr. Francis Bacon to the Earl of Essex.*

My Lord,—I thank your lordship very much for your kind and comfortable letter, which I hope will be followed at hand with another of more assurance. And I must confess this very delay hath gone so near me, as it hath almost overthrown my health; for when I revolved the good memory of my father, the near degree of alliance I stand in to my Lord Treasurer, your lordship's so signalled and declared favour, the honourable testimony of so many counsellors, the commendations unlaboured, and in sort offered by my lords the Judges and the Master of the Rolls elect;† that I was voiced with great expectation, and, though I say it myself, with the wishes of most men, to the higher place;‡ that I am a man that the Queen hath already done for; and that princes, especially her majesty, love to make an end where they begin; and then add hereunto the obscureness and many exceptions to my competitors: when I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and therefore truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself with a couple of men to Cambridge, and there spend my life in my studies and con-

* Among the papers of Antony Bacon, Esq. vol. iii. fol. 62, in the Lambeth Library.

† Sir Thomas Egerton.

‡ That of Attorney General.

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temptations without looking back. I humbly pray your lordship to pardon me for troubling you with my melancholy. For the matter itself, I commend it to your love; only I pray you communicate afresh this day with my Lord Treasurer and Sir Robert Cecil; and if you esteem my fortune, remember the point of precedency. The objections to my competitors your lordship knoweth partly. I pray spare them not, not over the Queen, but to the great ones, to show your confidence, and to work their distrust. Thus longing exceedingly to exchange troubling your lordship with serving you, I rest your Lordship's, in most intire and faithful service, FRANCIS BACON.—March 30, 1594.

I humbly pray your lordship I may hear from you some time this day.

Y Y. *Life, p.* xxxiv.

In the postscript to Bushel's Abridgment, page 1, he says, Reader, if thou hast perused the foregoing treatise of the Isle of Bensalem, wherein the philosophical father of Solomon's house doth perfectly demonstrate my heroick master (the Lord Chancellor Bacon's) design for the benefit of mankind; then give me leave to tell thee, how far that illustrious lord proceeding the practical part of such his philososhical notions, and when and where they had their first rise, as well as their first eclipse; their first rise (as I have heard him say) was from the noble nature of the Earle of Essex's affection, and so they were clouded by his fall, although he bequeathed to that lord [upon his representing him with a secret curiosity of nature, whereby to know the season of every hour of the year by a philosophical glass, placed (with a small proportion of water) in his chamber,] Twitnam Parke, and its garden of Paradise, to study in. But the sudden change of his royal mistress's countenance acting so tragical a part upon his only friend, and her once dearest favourite, he likewise yielded his law studies as lost, despairing of any preferment from the present state, as by many of his letters in his book of Remains appears, so that he retired to his philosophy for some few months, from whence he presented the then rising sun (Prince Henry) with an experiment of his second collections, to know the heart of man by a sympathizing stone, made of several mixtures, and ushered in the conceit with this ensuing discourse: Most royal Sir, Since you are by birth the prince of our country, and your virtues the happy pledge to our posterity; and that the seigniority of greatness is ever attended more with flatterers than faithful friends and loyal subjects; and therefore needeth more helps to discern and pry into the hearts of the people than private persons. Give me leave, noble sir, as small rivulets run to the vast ocean, to pay their tribute; so let me have the honour to shew your highness the operative quality of these triangular stones (as the first fruits of my philosophy), to imitate the pathetical motion of the loadstone and iron, although made by the compounds of meteors (as star shot jelly) and other like magical ingredients, with the reflected beams of the sun, on purpose that the warmth distilled unto them through the moist heat of the hand, might discover the affection of the heart, by a visible sign of their attraction and appetite to each other, like the hand of a watch, within ten minutes after they are laid upon a marble table, or the theatre of a large looking glass. I write not this as a feigned story, but as a real truth; for I was never quiet in mind till I had procured those jewels of my lord's philosophy from Mr. Achry Primrose, the prince's page.

His love of philosophy thus appears in all his times of adversity. So true is his observation, in his History of Arts:—As a man's disposition is never well known till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast; so the passages and variations of nature cannot appear so fully in the liberty of nature, as in the trials and vexations of art.

Of this invention Archbishop Tennison, in his Baconiana, page 18, thus speaks: His second invention was a secret curiosity of nature, whereby to know the season of every hour of the year, by a philosophical glass placed (with a small proportion of water) in a chamber. This invention I describe in the words of him, from whom I had the notice of it, Mr. Thomas Bushel, one of his lordship's menial servants; a man skilful in discovering and opening of

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mines, and famous for his curious water-works, in Oxfordshire, by which he imitated rain, hail, the rainbow, thunder and lightning. This secret cannot be that instrument which we call *vitrum calendare*, or the weather-glass, the Lord Bacon in his writings, speaking of that as a thing in ordinary use, and commending, not water, but rectified spirit of wine in the use of it. Nor (being an instrument made with water) is it likely to have shewed changes of the air with so much exactness as the latter baroscope made with mercury. And yet, it should seem to be a secret of high value, by the reward it is said to have procured. For the Earl of Essex (as he in his Extract, page 17, reporteth) when Mr. Bacon had made a present of it to him, was pleased to be very bountiful in his thanks, and bestow upon him Twicknam Park, and its garden of paradise, as a place for his studies. I confess I have not faith enough to believe the whole of this relation. And yet I believe the Earl of Essex was extremely liberal, and free even to profuseness; that he was a great lover of learned men, being, in some sort, one of them himself; and that with singular patronage he cherished the hopeful parts of Mr. Bacon, who also studied his fortunes and service. Yet Mr. Bacon himself, where he professeth his unwillingness to be short, in the commemoration of the favours of that earl, is, in this great one, perfectly silent.

Of his practical inventive powers, more fit for the hand of a mechanic than of a philosopher, Tennison, in his Baconiana thus speaks:—I doubt not but his mechanical inventions were many. But I can call to mind but three at this time, and of them I can give but a very broken account; and, for his instruments and ways in recovering deserted mines, I can give no account at all; though certainly, without new tools and peculiar inventions, he would never have undertaken that new and hazardous work. Of the three inventions which come now to my memory, the first was an engine representing the motion of the planets. Of this I can say no more than what I find, in his own words, in one of his miscellany papers in manuscript. The words are these: "I did once cause to be represented to me, by wires, the motion of some planets, in fact as it is, without theories of orbs, &c. And it seemed a strange and extravagant motion. One while they moved in spires forwards; another while they did unwind themselves in spires backwards: one while they made larger circles, and higher; another while smaller circles, and lower: one while they moved to the north, in their spires, another while to the south," &c.

But there is, in his Apologie, another story, which may seem to have given to Mr. Bushel the occasion of his mistake. "After the Queen had denied to Mr. Bacon the Solicitor's place, for the which the Earl of Essex had been a long and earnest suitor on his behalf, it pleased that earl to come to him from Richmond to Twicknam Park, and thus to break with him: Mr. Bacon, the Queen hath denied me the place for you. You fare ill, because you have chosen me for your mean and dependance: you have spent your thoughts and time in my matters; I die if I do not do somewhat towards your fortune. You shall not deny to accept a piece of land which I will bestow upon you." And it was, it seems, so large a piece, that he undersold it for no less than eighteen hundred pounds.

Of this I find nothing, either in his lordship's experiments touching Emission, or Immateriate Virtues, from the Minds and Spirits of Men; or in those concerning the secret virtue of Sympathy and Antipathy. Wherefore I forbear to speak further in an argument about which I am so much in the dark.

I proceed to subjects upon which I can speak with much more assurance, his inimitable writings.

Note.—The late Lord Stanhope invented an instrument of this nature to discover the insensible perspiration. It consisted of a small crystal cylinder, very convex at one end, and less convex at the other, and when the large convexity was pressed upon the skin it was immediately beaded with perspiration as with dew, which was perceptible by looking through the great convexity. I once had the instrument in my possession. I have seen other inventions of the same nature, as small fish made of a thin horny substance, which, with the heating of the hand, became apparently animated.—B. M.

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Z Z. *Life, p.* xxxiv.

Mr. Francis Bacon to the Queen.

Most gracious and admirable Sovereign,—As I do acknowledge a providence of God towards me, that findeth it expedient for me *tolerare jugum in juventute meâ*; so this present arrest of mine, by his divine majesty, from your majesty's service, is not the least affliction, that I have proved; and I hope your majesty doth conceive, that nothing under mere impossibility could have detained me from earning so gracious a vail, as it pleased your majesty to give me. But your majesty's service, by the grace of God, shall take no lack thereby; and, thanks to God, it hath lighted upon him that may be best spared. Only the discomfort is mine, who nevertheless have the private comfort, that in the time I have been made acquainted with this service, it hath been my hap to stumble upon somewhat unseen, which may import the same, as I made my Lord Keeper acquainted before my going. So leaving it to God to make a good end of a hard beginning, and most humbly craving your majesty's pardon for presuming to trouble you, I recommend your sacred majesty to God's tenderest preservation. Your sacred Majesty's in most humble obedience and devotion,

From Huntingdon, this 20th of July, 1594. Fr. Bacon.

3 A. *Life, p.* xxxv.

This appears by a letter to Burleigh, in which, thanking him for former obligations, he says, "Together with your lordship's attempt to give me way by the remove of Mr. Solicitor, in which he says: And now seeing it hath pleased her majesty to take knowledge of this my mind, and to vouchsafe to appropriate me unto her service, preventing any desert of mine with her princely liberality; first, I humbly do beseech your lordship to present to her majesty my more than humble thanks for the same: and withal, having regard to mine own unworthiness to receive such favour, and to the small possibility in me to satisfy and answer what her majesty conceiveth, I am moved to become a most humble suitor to her majesty, that this benefit also may be affixed unto the other."

3 B. *Life, p.* xxxv.

Baker's MSS. Our register is a blank, and nothing entered from the year 1589 to the year 1602; but from Bedel Ingram's book, of equal authority in history, though not in law, we have this account:—An. 1594. Jul. 27. Whereas there is something purposed to be done at this meeting more than usual at convocations. Maye it therefore please yow, that this convocation be changed into a congregation, and the same to be effectual to no other intent then for the dispatch of such matters as shall presently be propounded hearin, and by your approbation and consent, be granted and concluded. This being passed, the Vicechan. dissolved the convocation, and the bedell called a congregation immediate, at which congregation this grace following was passed. Placet vobis, ut Mr. Franciscus Bacon armiger, honorandi et nobilis viri domini Nicholai Bacon militis, magni Angliæ sigilli custodis, ante aliquot annos defuncti, filius, post studium decem annorum, partem in hac academia nostra partim in transmarinis regionibus, in dialecticis, philosophicis, Græcis Latinisque literis, ac cæteris, humanioribus disciplinis sufficiat ei, ut cooptetur in ordinem magistrorum in artibus: ita tamen ut ad nullas ceremonias, ad magisterii gradum pertinentes coarctetur; sed tantum in admissione sua juramentum præstet, de regiæ majestatis suprema authoritate in primis agnoscenda et colenda, et fidem del D. Procan de observandis statutis, privilegiis, et consuetudinibus hujus universitatis approbatis.

Concess. 27 Julii, 1594.

Franciscus Bacon, Mr. in artibus, Jul. 27. Mr. Ingram's book.

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3 C. *Life, p.* xxxv.

The Elements of the Common Lawes of England, branched into a Double Tract: the one containing a Collection of some principall Rules and Maximes of the Common Law, with their Latitude and Extent. Explicated for the more facile Introduction of such as are studiously addicted to that noble profession. The other the Use of the Common Law, for the preservation of our Persons, Goods, and Good Names. According to the Lawes and Customes of this Land. By the late Sir Francis Bacon, knight, Lo. Verulam, and Viscount S. Alban. Videre Vtilitas. London, Printed by the Assignees of Iohn More, Esquire. 1630.

Editions were also published in 1636 and 1639.

3 D. *Life, p.* xxxv.

Regula I. *In jure non remota causa, sed proxima spectatur.* It were infinite for the law to judge the causes of causes, and their impulsions one of another; therefore it contenteth itself with the immediate cause, and judgeth of acts by that, without looking to any further degree.

As if an annuity be granted *pro consilio impenso et impendendo*, and the grantee commit treason, whereby he is imprisoned, so that the grantor cannot have access unto him for his counsel: yet, nevertheless, the annuity is not determined by this non-feasance; yet it was the grantee's act and default to commit the treason, whereby the imprisonment grew: but the law looketh not so far, but excuseth him, because the not giving counsel was compulsory, and not voluntary, in regard of the imprisonment.

He proceeds in the same manner to prove by other instances the rule which he had established.

3 E. *Life, p.* xxxv.

The preface continues thus: Having collected three hundred of them, I thought good, before I brought them all into form, to publish some few, that by the taste of other men's opinions in this first, I might receive either approbation in mine own course, or better advice for the altering of the other which remain; for it is great reason that that which is intended to the profit of others, should be guided by the conceits of others.

3 F. *Life, p.* xxxv.

Atque quemadmodum vulgaris logica, quæ regit res per syllogismum, non tantùm ad naturales, sed ad omnes scientias pertinet; ita et nostra quæ procedit per inductionem, omnia complectitur. Tam enim historiam et tabulas inueniendi conficimus de irâ, metu, et verecundiâ, et similibus; ac etiam de exemplis rerum civilium; nec minùs de motibus mentalibus mèmoriæ, compositionis et divisionis, judicii, et reliquorum: quàm de calido et frigido, aut luce, aut vegetatione, aut similibus.

3 G. *Life, p.* xxxvi.

I hold every man a debtor to his profession; from the which, as men of course, do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this peformed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having, therefore, from the

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beginning come to the study of the laws of this realm, with a desire no less, if I could attain unto it, that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that, by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science.

The same grateful feeling is expressed by Sir E. Coke, who says, "If this or any other of my works, in any sort, by the goodness of Almighty God, who hath enabled me hereunto, tend to some discharge of that great obligation of duty wherein I am bound to my profession, I shall reap some fruits from the tree of life, and I shall receive sufficient compensation for all my labours."

Different Editions and MSS.

Editions of it were published in 1636 and 1639; of this work there are the following MSS. In Harleian MSS. vol. 2—227, there is MSS. of Maxims of the Law, written by Sir Francis Bacon, and by him inscribed to Queen Elizabeth, 8th January, 1596. There are some other observations relating to law at the end of the book.—Use of the Law, Cat. 291. Sloane's MSS.

There is also a MSS. in the University Library, Cambridge, entitled "Maxims of Law."

It is thus noticed by Archbishop Tennison, when enumerating Lord Bacon's law works in the Baconiana:—The fourteenth is, the Elements of the Common Laws of England, in a double tract: the one of the rules and maxims of the common law, with their latitude and extent. The other, of the use of common law, for the preservation of our persons, goods, and good names. These he dedicated to her majesty, whose the laws were, whilst the collection was his.

3 H. *Life, p.* xxxvi.

Sir,—I have thought the contemplation of the art military harder than the execution. But now I see where the number is great, compounded of sea and land forces, the most tyrones, and almost all voluntaries, the officers equal almost in age, quality, and standing in the wars, it is hard for any man to approve himself a good commander. So great is my zeal to omit nothing, and so short my sufficiency to perform all, as besides my charge, myself doth afflict myself. For I cannot follow the precedents of our dissolute armies, and my helpers are a little amazed with me, when they are come from governing a little troop to a great; and from ——— to all the great spirits of our state. And sometimes I am as much troubled with them, as with all the troops. But though these be warrants for my seldom writing, yet they shall be no excuses for my fainting industry. I have written to my Lord Keeper and some other friends to have care of you in my absence. And so commending you to God's happy and heavenly protection, I rest your true friend, Essex.

Plymouth, this 17th of May, 1596.

As specimens of the correspondence between them, see Bacon's letter to Essex, vol. xii. p. 17, and Bacon's letter, ibid. p. 20.

3 I. *Life, p.* xxxvii.

The following account of the Essays, collected with much labour, will, it is hoped, be acceptable to the reader.

First edition, 1597.

Essayes. Religious Meditations. Places of perswasion and disswasion. Seene and allowed. At London Printed for Humfrey Hooper, and are to be sold at the black Beare in Chancery Lane. 1597.

The first edition of the Essays was published in the year 1597.

The Epistle Dedicatorie. "To M. Anthony Bacon his deare Brother.

"Louing and beloued brother I do now like some that haue an orcharde il neighbored, that gather their fruit before it is ripe, to preuent stealing. These fragments of my conceits were going to print: to labour the stay of them had bene troublesome, and subiect to interpretation: to let them passe had bin to

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aduentur the wrong they mought receiue by vntrue coppies, or by some garnishment which it mought please any one that shold set them forth to bestow upon them. Therefore I helde it best discretion to publish them my selfe as they passed long agoe from my pen without any further disgrace, then the weakenes of the author. And as I did euer hold there mought be as great a vanitie in retyring and withdrawing mens conceits (except they be of some nature) from the world, as in obtruding them: so in these particulars I haue played my selfe the inquisitor, and find nothing to my vnderstanding in them contrary, or infectious to the state of religion, or manners, but rather (as I suppose) medicinable. Onely I disliked now to put them out, because they will be like the late newe halfepence, which though the siluer were good, yet the pieces were small. But since they would not stay with their master, but wold needs trauel abroad, I haue preferred them to you, that are next myself, dedicating them, such as they are, to our loue, in the depth whereof (I assure you) I somtimes wish your infirmities transslated upon my selfe, that her maiesty mought haue the seruice of so active and able a mind, and I mought bee with excuse confined to these contemplations and studies for which I am fittest, so commende I you to the preseruation of the diuine maiestie. From my chamber at Grayes Inne, this 30 of Ianuary, 1597.

Your entire louing brother, FRAN. BACON."

It consists of ten Essays.

1. Of Studie.
2. Of Discourse.
3. Of Ceremonies and Respects.
4. Of Followers and Friends.
5. Of Sutors.
6. Of Expence.
7. Of Regimen and Health.
8. Of Honour and Reputation.
9. Of Faction.
10. Of Negotiating.

The volume is in 12mo. and consists of thirteen double pages, not very correctly printed. *Ex. gr.* In the table of contents the first essay is "of Studie;" in the body of the work it is "of Studies." So again, in the table of contents, the fifth essay is "Sutors;" in the body of the work it is "of Sutes," &c. &c.

Lord Bacon's favorite style was, I am inclined to think, in aphorisms, as he states in various parts of his works, and particularly in the advancement of learning under the head of Tradition, where, amongst other styles, he considers "style methodical or in aphorisms:" and, as may be seen in the Novum Organum, which is composed wholly in aphorisms. This first edition of the Essays, although *apparently* in continued discourse, is *really* severed and in aphorisms. The following is an exact copy of part of the first essay, and they are all separated in the same manner.

> ¶ Reade not to contradict, nor to believe, but to waigh and consider.
>
> ¶ Some bookes are to bee tasted, others to be swallowed, and some few to be chewed and disgested: that is some bookes are to be read only in partes; others to be read but cursorily, and some few to be read wholly and with diligence and attention.
>
> ¶ Histories make men wise, poets wittie, the mathematicks subtle, naturall philosophie deepe: morall grave, logicke and rhetorick able to contend.

There are two copies of this edition in the University library at Cambridge: and there is Archbishop Sancroft's copy in Emanuel library: there is a copy in the Bodleian, and I have a copy.

This small volume contains, as appears by the title-page, not only the essays, but *Religious Meditations and Places of Perswasion and Disswasion*. The religious meditations are in Latin, and are not printed, as the essays are, for Hooper: and the paging is not continued from the essays, but begins page 1. The following is a copy of the title-page: *Meditationes Sacræ. Londini. Excudebat Iohannes Windet*, 1597. At the conclusion of the volume is, "*Printed at London by John Windet for Humfrey Hooper*, 1597." So that, although the name of Hooper does not appear in the title prefixed to the Meditationes Sacræ, it is evident that Windet was the printer for Hooper.

At the conclusion of the Meditationes Sacræ, a tract entitled "*Of the Coulers of Good and Evil, a Fragment*," is annexed. The paging is continued from

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the Meditationes Sacræ. The following is a copy of the title-page: *Of the Coulers of Good and Euill, a Fragment.* 1597. In the Advancement of Learning, under the head of Rhetoric, there are one or two specimens of these colours: and, under the same head in the treatise De Augmentis, they are much enlarged.

Second Edition, 1598.

Essaies. Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. London, printed for Humfrey Hooper, and are to bee solde at the Blacke Beare in Chauncery Lane, 1598. This is a 12mo. of forty-nine pages. It is nearly a transcript of the first edition, except that the Meditationes Sacræ are translated into English, and the separation into aphorisms is discontinued; the paging continues through the whole work; but, at the end of the Meditations, there is the following title-page: *Of the Colours of Good and Evill, a Fragment*, 1598.

In the Lansdown manuscripts in the British Museum there is a manuscript, in antient writing, of this or the first edition of the Essays. It is in vol. ii. p. 173. It cannot, I think, be the original MS. as there are not titles to the different essays, but they are written, and not by the same hand, in the margin.

There is also in the Harleian MSS. 6797, a MS. of two Essays, of Faction and of Negotiating, with cross lines drawn through them. At the conclusion of the volume there is, "*Imprinted at London by John Windet for Humphrey Hooper*, 1598." As the printers and publishers are the same in this edition and in the edition of 1597, it seems probable that this edition was sanctioned by Lord Bacon.

Third Edition, 1606.

Essaies. Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Printed at London for Iohn Iaggard, dwelling in Fleete Streete, at the Hand and Starre, neere Temple Barre, 1606. This is in 12mo. and is not paged. It is a transcript of the previous editions, but was I suspect pirated.

1st. It is not published by Lord Bacon's publisher; and it will be seen, in the progress of his Essays, that when an edition was published by Bacon, it was regularly followed by an edition published by Jaggard.

2nd. The dedication in 1597 is to M. Anthony Bacon, and in this edition in 1606 it is to Maister Anthony Bacon.

3dly. The signature in 1597 is Fran. Bacon, in this of 1606 is Francis Bacon.

Fourth Edition, 1612.

The next edition was in 1612. It is entitled, *The Essaies of Sr Francis Bacon, Knight, the King's Sollicitor Generall. Imprinted at London by Iohn Beale*, 1612. It was the intention of Sir Francis to have dedicated this edition to Henry Prince of Wales, but he was prevented by the death of the prince on the 6th of November in that year. This appears by the following letter:

To the most high and excellent prince, Henry, Prince of Wales, Duke of Cornwall, and Earl of Chester.

It may please your Highness,—Having divided my life into the contemplative and active part, I am desirous to give his majesty and your highness of the fruits of both, simple though they be. To write just treatises, requireth leisure in the writer, and leisure in the reader, and therefore are not so fit, neither in regard of your highness's princely affairs, nor in regard of my continual service; which is the cause that hath made me choose to write certain brief notes, set down rather significantly than curiously, which I have called Essays. The word is late, but the thing is ancient; for Seneca's epistles to Lucilius, if you mark them well, are but essays, that is, dispersed meditations, though conveyed in the form of epistles. These labours of mine, I know, cannot be worthy of your highness, for what can be worthy of you? But my hope is, they may be as grains of salt, that will rather give you an appetite than offend you with satiety. And although they handle those things wherein both men's lives and their persons are most conversant; yet what I have attained I know not; but I have endeavoured to make them not vulgar, but of a nature, whereof a man shall find much in experience, and little in books; so as they are neither repe-

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titions nor fancies. But, however, I shall most humbly desire your highness to accept them in gracious part, and to conceive, that if I cannot rest, but must shew my dutiful and devoted affection to your highness in these things which proceed from myself, I shall be much more ready to do it in performance of any of your princely commandments. And so wishing your highness all princely felicity, I rest your Highness' most humble servant,

1612. FR. BACON.

It was dedicated as follows:

To my loving Brother, Sir John Constable, Knight.*

My last Essaies I dedicated to my deare brother Master Anthony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature: which if I myselfe shall not suffer to be lost, it seemeth the world will not; by the often printing of the former. Missing my brother, I found you next, in respect of bond both of neare alliance, and of straight friendship and societie, and particularly of communication in studies. Wherein I must acknowledge my selfe beholding to you. For as my businesse found rest in my contemplations; so my contemplations ever found rest in your louing conference and judgment. So wishing you all good, I remaine

Your louing brother and friend, FRA. BACON.

The Table of Essays is,

1. Of Religion.
2. Of Death.
3. Of Goodnes and goodnes of nature.
4. Of Cunning.
5. Of Marriage and single life.
6. Of Parents and Children.
7. Of Nobilitie.
8. Of Great place.
9. Of Empire.
10. Of Counsell.
11. Of Dispatch.
12. Of Loue.
13. Of Friendshippe.
14. Of Atheisme.
15. Of Superstition.
16. Of Wisdome for a Mans selfe.
17. *Of Regiment of Health.*
18. *Of Expences.*
19. *Of Discourse.*
20. Of Seeming wise.
21. Of Riches.
22. Of Ambition.
23. Of Young men and age.
24. Of Beautie.
25. Of Deformitie.
26. Of nature in Man.
27. Of Custome and Education.
28. Of Fortune.
29. *Of Studies.*
30. *Of Ceremonies and Respects.*
31. *Of Sutors.*
32. *Of Followers.*
33. *Of Negociating.*
34. *Of Faction.*
35. Of Praise.
36. Of Iudicature.
37. Of vaine glory.
38. Of greatnes of Kingdomes.
39. Of the publike.
40. Of Warre and peace.

It is an octavo of 241 pages; and the two last essays "Of the Publique," and "Of War and Peace," although mentioned in the table of contents, are not contained in the body of the work.†

This edition contains all the Essays which are in the preceding editions, except the Essay "Of Honor and Reputation:" and the title in the former editions of the Essay "Of Followers and Friends," is in this edition "Of Followers," and there is a separate Essay "Of Friendship." The essays in italics are in the former editions.

These essays are more extensive than the essays in the preceding editions, according to the manner of the author, who says, "I always alter when I add;

* Francis Bacon married Alice Burnham, and Sir John Constable married her sister, Dorothy Burnham. In Lord Bacon's will, he says, Sir John Constable, Knight, my brother-in-law; and he nominates him as one of his executors.

† There is a copy in the British Museum, and in the Bodleian; and I have a copy.

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so that nothing is finished till all is finished."* As a specimen, the Essay "Of Study," in the first edition ends with the words "able to contend." The edition of 1612 is the same as the former edition, but it thus continues: "Abeunt studia in mores;" "nay, there is no stond or impediment in the wit, but may be wrought out by fit studies: like as diseases of the body may have appropriate exercises; bowling is good for the stone and reins, shooting for the lungs and breast, gentle walking for the stomach, riding for the head, and the like; so if a man's wit be wandering, let him study the mathematics; for in demonstrations, if his wit be called away never so little, he must begin again; if his wit be not apt to distinguish or find differences, let him study the schoolmen, for they are 'Cymini sectores;' if he be not apt to beat over matters, and to call upon one thing to prove and illustrate another, let him study the lawyer's cases; so every defect of the mind may have a special receipt."

Fifth Edition, Jaggard, 1612.

Essaies, Religious Meditations, Places of perswasion and dissuasion. Scene and allowed. Printed at London for John Jaggard, dwelling in Fleete-streete at the Hand and Starre neere Temple barre. 1612.

This edition may be divided into two parts:

The first part consisting,
1. Of the Essays which were contained in the edition of 1606.
2. Religious Meditations.
3. Places of Perswasion and Disswasion.

The second part consisting Of such Essays in the edition of 1612 as are not inserted in the first part.

It seems that Jaggard supposed, that because the titles of certain essays in the different editions were the same, the essays were not altered; but it was Lord Bacon's custom, as stated in his letter to Mr. Matthews, with his book "De Sapientia Veterum," "always to alter when I add, so that nothing is finished till all is finished." This was the custom of Lord Bacon, a custom most probably ever attendant upon the fertility of genius. Mr. Jaggard, therefore, seems to have imagined that, in substance, his edition was as complete as the edition published in the same year by Lord Bacon. By comparing either of the essays in the edition of 1606 ("*Of Studies*," for instance), the error will appear. This edition, therefore, although it consists of 39 Essays (viz. 10 and 29), does not contain the perfect essays upon the same subjects which are in the edition published by Lord Bacon in 1612.

The following table will exhibit the Essays contained in this edition.

The first part consists of the Essays in the edition of 1606.

The second part consists of 29 of the essays upon new subjects which are contained in the edition published by Lord Bacon in 1612; so that this consists of 39 Essays, but the edition published by Lord Bacon in 1612, although nominally containing 40 Essays, really consisted only of 38, the two last in the title page not being inserted in the body of the work.

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* "To Mr. Matthews; along with the Book De Sapientia Veterum.—I heartily thank you for your letter of the 24th of August, from Salamanca; and, in recompence, send you a little work of mine, that has begun to pass the world. They tell me my Latin is turned into silver, and become current. Had you been here, you should have been my inquisitor before it came forth: but I think the greatest inquisitor in Spain will allow it. One thing you must pardon me, if I make no haste to believe, that the world should be grown to such an ecstasy, as to reject truth in philosophy, because the author dissents in religion; no more than they do by Aristotle or Averroes. My great work goes forward; and after my manner, I always alter when I add: so that nothing is finished till all is finished. This I have wrote in the midst of a term and parliament; thinking no time so possessed, but that I should talk of these matters with so good and dear a friend.—Gray's Inn, Feb. 27, 1610."

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Titles of 1606, *and* 1*st part of Jaggard's edition of* 1612.	*Titles of* 1612. *Beale.*	*Titles of* 1612, *in* 2*nd part of Jaggard's edition.*
1. Of Studie.	1. Of Religion.	1. Of Religion.
2. Of Discourse.	2. Of Death.	2. Of Death.
3. Of Ceremonies and Respects.	3. Of Goodnesse and Goodnesse of Nature.	3. Of Goodnesse and Goodnesse of Nature.
4. Of Followers and Friends.	4. Of Cunning.	4. Of Cunning.
5. Of Sutors.	5. Of Marriage and Single Life.	5. Of Marriage and Single Life.
6. Of Expence.	6. Of Parents and Children.	6. Of Parents and Children.
7. Of Regiment of Health.	7. Of Nobilitie.	7. Of Nobilitie.
8. Of Honor and Reputation.	8. Of great Place.	8. Of great Place.
9. Of Faction.	9. Of Empire.	9. Of Empire.
10. Of Negotiating.	10. Of Counsel.	10. Of Counsel.
	11. Of Dispatch.	11. Of Dispatch.
	12. Of Love.	12. Of Love.
	13. Of Friendship.	13. Of Friendship.
	14. Of Atheisme.	14. Of Atheisme.
	15. Of Superstition.	15. Of Superstition.
	16. Of Wisdom for a Man's self.	16. Wisdom for a Man's self.
	17. *Of Regiment of Health.*	
	18. *Of Expences.*	
	19. *Of Discourse.*	
	20. Of seeming wise.	17. Of seeming wise.
	21. Of Riches.	18. Of Riches.
	22. Of Ambition.	19. Of Ambition.
	23. Of Young Men and Age.	20. Of Young Men and Age.
	24. Of Beautie.	21. Of Beautie.
	25. Of Deformitie.	22. Of Deformitie.
	26. Of Nature in Men.	23. Of Nature in Men.
	27. Of Custome and Education.	24. Of Custom and Education.
	28. Of Fortune.	25. Of Fortune.
	29. *Of Studies.*	
	30. *Of Ceremonies and Respects.*	
	31. *Of Sutors.*	
	32. *Of Followers.*	
	33. *Of Negotiating.*	
	34. *Of Faction.*	
	35. Of Praise.	26. Of Praise.
	36. Of Judicature.	27. Of Judicature.
	37. Of Vaine Glory.	28. Of Vaine Glory.
	38. Of Greatnesse of Kingdoms.	29. Of the Greatness of Kingdomes.
	39. Of the Publick.	
	40. Of Warre and Peace.	

Sixth Edition, 1613.

The next edition was in 1613. It is entitled, *The Essaies of Sir Francis Bacon, Knight, the Kings Atturney Generall, his Religious Meditations. Places of Perswasion and Dissuasion. Seene and allowed. Printed at London for John Iaggard, dwelling at the Hand and Starre, betweene the two Temple Gates*, 1613. It is a

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transcript of the edition of 1612, with the erroneous entries in the table of contents of the two essays, "Of the Publique" and "Of Warre and Peace," which are omitted in the body of the work; but it contains a transcript from the editions of 1597 and 1606, of the essay "Of Honor and Reputation," which is omitted in the edition of 1612. This edition, probably, originated in Jaggard's having discovered his error with respect to the edition of 1612, and his hope to make it more complete by the addition of the essay of "Honor and Reputation," without inquiring whether it was in substance incorporated in either of the new essays in Lord Bacon's edition of 1612. Does not this seem further evidence that these editions were pirated?

Seventh Edition, 1614.

The Essaies of Sir Francis Bacon, Knight, the Kings Atturney Generall. His Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Edinburgh, Printed by Andro Hart. 1614.

This is, as it seems, a transcript of Jaggard's edition of 1613, consisting of 41 essays in the table of contents, and omitting 39 and 40 in the body of the work, and containing the Essay 41, "Of Honor and Reputation." The Essay "Of Superstition" in this edition of 1614 is entitled 12, but it ought to be 15. There is the same error in the edition of 1613: so too the Essay "Of Followers and Friends" is, in both, entitled 33, but it ought to be 32.

Eighth Edition, 1624.

The Essaies of Sir Francis Bacon, Knight, the Kings Atturney Generall. His Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Printed at London, by I. D. for Elizabeth Jaggard, at the Hand and Starre, neere the Middle Temple gate, 1624.

This edition is copied from the edition of 1613. The error with respect to the title of the Essay of "*Followers and Friends*" is corrected in this edition; as in this edition it is, as it ought to have been in the edition of 1613-32. As this is published by Jaggard, it is probably by the widow of John Jaggard, as it is printed by I. D. for Elizabeth Jaggard.

Ninth Edition, 1625.

The Essayes or Covnsels, Civill and Morall, of Francis Lo. Vervlam, Viscovnt St. Alban. Newly enlarged. London, Printed by Iohn Haviland for Hanna Barret and Richard Whitaker, and are to be sold at the signe of the King's head in Paul's Churchyard. 1625.

This edition is a small quarto of 340 pages; it clearly was published by Lord Bacon. It was published in 1625, and in the next year, 1626, Lord Bacon died. It is dedicated in the following dedication, to the Duke of Buckingham:

To the Right Honorable my very good Lo. the Duke of Buckingham his Grace, Lo. High Admirall of England.

Excellent Lo.—Salomon saies, A good name is as a precious oyntment; and I assure myselfe, such wil your grace's name bee, with posteritie. For your fortune and merit both, haue beene eminent. And you haue planted things that are like to last. I doe now publish my Essayes; which, of all other workes, have beene most currant: for that, as it seemes, they come home to mens businesse and bosomes. I haue enlarged them, both in number and weight; so that they are indeed a new work. I thought it therefore agreeable to my affection, and obligation to your grace, to prefix your name before them, both in English and in Latine. For I doe conceiue, that the Latine volume of them (being in the vniuersal language) may last as long as bookes last. My Instauration I dedicated to the king: my Historie of Henry the Seventh, (which I haue now also translated into Latine) and my portions of Naturall History, to the prince: and these I dedicate to your grace: being of the best fruits, that by the good encrease which God gives to my pen and labours, I could yeeld. God leade your grace by the hand. Your Graces most obliged and faithfull seruant, Fr. St. Alban.

Of this edition Lord Bacon sent a copy to the Marquis Fiat. Baconiana, 201.

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A Letter of the Lord Bacon's, in French, to the Marquis Fiat, relating to his Essays.

Monsieur l'Ambassadeur mon File,—Voyant que vostre excellence faict et traite mariages, non seulement entre les princes d'Angleterre et de France, mais aussi entre les langues (puis que faictes traduire non liure de l'Advancement des Sciences en Francois) i' ai bien voulu vous envoyer mon liure dernierement imprimé que i' avois pourveu pour vous, mais i' estois en doubte, de le vous envoyer, pour ce qu'il estoit escrit en Anglois. Mais a' cest' heure pour la raison susdicte ie le vous envoye. C' est un recompilement de mes Essays Morales et Civiles; mais tellement enlargiés et enrichiés, tant de nombre que de poix, que c'est de fait un oeuvre nouveau. Ie vous baise les mains, et reste, vostre tres affectionée ami, ex tres humble serviteur.

The same in English, by the Publisher.

My Lord Ambassador, my Son,—Seeing that your excellency makes and treats of marriages, not only betwixt the princes of France and England, but also betwixt their languages (for you have caused my book of the Advancement of Learning to be translated into French), I was much inclined to make you a present of the last book which I published, and which I had in readiness for you. I was sometimes in doubt whether I ought to have sent it to you, because it was written in the English tongue. But now, for that very reason, I send it to you. It is a recompilement of my Essays, Moral and Civil; but in such manner enlarged and enriched both in number and weight, that it is in effect a new work. I kiss your hands, and remain your most affectionate friend and most humble servant, &c.

The titles of the Essays in this edition are as follows:

1. Truth.
2. Death.
3. Unity in Religion.
4. Revenge.
5. Adversity.
6. Simulation and Dissimulation.
7. Parents and Children.
8. Marriage and Single Life.
9. Envy.
10. Love.
11. Great Place.
12. Boldness.
13. Goodness, and Goodness of Nature.
14. Nobility.
15. Seditions and Troubles.
16. Atheism.
17. Superstition.
18. Travel.
19. Empire.
20. Counsel.
21. Delays.
22. Cunning.
23. Wisdom for a Man's self.
24. Innovations.
25. Dispatch.
26. Seeming wise.
27. Friendship.
28. Expense.
29. The true Greatness of Kingdoms and Estates.
30. Regiment of Health.
31. Suspicion.
32. Discourse.
33. Plantations.
34. Riches.
35. Prophecies.
36. Ambition.
37. Masks and Triumphs.
38. Nature in Men.
39. Custom and Education.
40. Fortune.
41. Usury.
42. Youth and Age.
43. Beauty.
44. Deformity.
45. Building.
46. Gardens.
47. Negociating.
48. Followers and Friends.
49. Suitors.
50. Studies.
51. Faction.
52. Ceremonies and Respects.
53. Praise.
54. Vain Glory.
55. Honour and Reputation.
56. Judicature.
57. Anger.
58. Vicissitudes of Things.

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NOTE 31.

The following tables will shew the variations in the titles of the Essays in the different editions:

1597.	1612. *Essays of* 1597 *in Italics.*	1625. *Figures to the right are order in* 1612. *Essays of* 1597 *in Italics.*	*Order of* 1612.
1. Of Study.	1. Of Religion.	1. Of Truth.	1
2. Of Discourse.	2. Of Death.	2. Of Death.	2
3. Of Ceremonies and Respects.	3. Of Goodnesse and Goodnesse of Nature.	3. Of Vnitie in Religion.	
4. Of Followers and Friends.	4. Of Cunning.	4. Of Revenge.	
5. Of Sutors.	5. Of Marriage and Single Life.	5. Of Adversitie.	
6. Of Expence.	6. Of Parents and Children.	6. Of Simulation and Dissimulation.	
7. Of Regiment of Health.	7. Of Nobilitie.	7. Of Parents and Children.	6
8. Of Honor and Reputation.	8. Of Great Place.	8. Of Marriage and Single Life.	5
9. Of Faction.	9. Of Empire.	9. Of Envie.	
10. Of Negotiating.	10. Of Counsell.	10. Of Love.	12
	11. Of Dispatch.	11. Of Great Place.	8
	12. Of Love.	12. Of Boldnesse.	
	13. Of Friendshippe.	13. Of Goodnesse and Goodnesse of Nature.	3
	14. Of Atheisme.	14. Of Nobilitie.	7
	15. Of Superstition.	15. Of Sedition and Troubles.	
	16. Of Wisdome for a Man's self.	16. Of Atheisme.	14
	17. *Of Regiment of Health.*	17. Of Superstition.	15
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Modern Editions.

In 1629, three years after the death of Lord Bacon, an edition was published by Haviland, by whom the edition of 1625 was published. It is the same as the edition of 1625, except that the table of contents in 1629 is arranged alphabetically; and the Colours of Good and Evil are annexed. Another edition was published in 1632 by Haviland, and another in 1639 by Beale. Since that time the press has abounded with editions.

Posthumous Essays.

There are three posthumous essays:

1. A Fragment of an Essay of Fame.
2. Of a King.
3. On Death.

Fragment of an Essay on Fame. The authenticity of this tract is indisputable. In the year 1657 Dr. Rawley published, in the first edition of the Resuscitatio, "A Fragment of an Essay of Fame," it is noticed in the Baconiana by Archbishop Tennison, in the account of Lord Bacon's works. He says, To this book of Essays may be annexed that fragment of an Essay of Fame, which is extant already in the Resuscitatio, p. 281.

Essay of a King. Of the authenticity of this essay, the reader will form his own judgment from the following facts:

1. In the various editions of the Essays published during the life of Lord Bacon, there is not any allusion direct or indirect to this essay.

2. There is not any allusion direct or indirect to this essay by any person

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who had access to the papers of Lord Bacon. Dr. Rawley does not mention it, and he expressly says, in his address to the reader in the Resuscitatio, in 1657: "Having been employed as an amanuensis, or daily instrument, to this honourable author, and acquainted with his lordship's conceits, in the composing of his works, for many years together, especially in his writing time, I conceived that no man could pretend a better interest or claim to the ordering of them after his death than myself. For which cause, I have compiled in one whatsoever bears the true stamp of his lordship's excellent genius, and hath hitherto slept and been suppressed in this present volume, not leaving any thing to a future hand, which I found to be of moment, and communicable to the public; save only some few Latin works, which, by God's favour and sufferance, shall soon after follow."

Dr. Rawley's son was chaplain to Archbishop Tennison, who, in his Baconiana, published in 1679, says, "It is my purpose to give a true and plain account of the designs and labours of a very great philosopher amongst us; and to offer to the world, in some tolerable method, those remains of his which to that end were put into my hands. Something of this hath been done already by his lordship himself, and something further hath been added by the Reverend Dr. Rawley; but their remarks lay scattered in divers places, and here they are put under one view, and have received very ample enlargements." But the Essay of a King is not mentioned by the Archbishop, although, when commenting upon the essays, he notices the "Fragment of an Essay on Fame."

3. In the century after the death of Lord Bacon, which was in April 1626, various spurious works were ascribed to Lord Bacon. Dr. Rawley, in his address to the reader in the Resuscitatio, in 1657, says, "It is true that, for some of the pieces herein contained, his lordship did not aim at the publication of them, but at the preservation only, and prohibiting them from perishing: so as to have been reposed in some private shrine or library; but now for that, through the loose keeping of his lordship's papers, divers surreptitious copies have been taken, which have since employed the press with sundry corrupt and mangled editions; whereby nothing hath been more difficult than to find the Lord Saint Alban in the Lord Saint Alban, and which have presented (some of them) rather a fardle of nonsense than any true expressions of his lordship's happy vein; I thought myself, in a sort, tied to vindicate these injuries and wrongs done to the monuments of his lordship's pen, and at once, by setting forth the true and genuine writings themselves, to prevent the like invasions for the time to come. And the rather, in regard of the distance of the time since his lordship's days, whereby I shall not tread too near upon the heels of truth, or of the passages and persons then concerned, I was induced hereunto, which, considering the lubricity of life, and for that I account myself to be not now in *vergentibus*, but in *præcipitantibus annis*, I was desirous to hasten. Again, he says in the same address: Lastly, if it be objected that some few of the pieces whereof this whole consisteth had visited the public light before, it is true that they had been obtruded to the world by unknown hands, but with such scars and blemishes upon their faces, that they could pass but for a spurious and adulterine brood, and not for his lordship's legitimate issue; and the publishers and printers of them, deserve to have an action of defamation brought against them by the state of learning, for disgracing and personating his lordship's works."

4. In the year 1642, the political disturbances in England raged in great fury. "The Commons" (says Hume, speaking of the early part of 1642) were sensible that monarchical government, which during so many ages had been established in England, would soon regain some degree of its former dignity, after the present tempest was over blown; nor would all their new invented limitations be able totally to suppress an authority to which the nation had ever been accustomed. The sword alone, to which all human ordinances must submit, could guard their acquired power, and fully ensure to them personal safety against the rising indignation of their sovereign: this point, therefore became the chief object of their aims. Hume, vol. vi. p. 420.

5. In 1642, a tract was published, of which there is a copy in the

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British Museum, and of which the following is the title: *An Essay of a King, with an explanation what manner of persons those should be that are to execute the power or ordinance of the King's Prerogative. Written by the Right Honorable Francis, Lord Verulam Viscount Saint Alban. Decemb. 2. London, Printed for Richard Best*, 1642.

Immediately following this essay is the tract entitled, *An Explanation what manner of persons those should be that are to execute the power or ordinance of the King's Prerogative, written by the said Francis Bacon, late Lord Chancellor, and Lord of St. Albans.* This explanation thus concludes: "And to conclude, custom cannot confirm that which is any ways unreasonable of itself. Wisdom will not allow that which is many ways dangerous, and no ways profitable. Justice will not approve that government where it cannot be but wrong must be commited. Neither can there be any rule by which to try it, nor means of reformation of it. Therefore, whosoever desireth government must seek such as he is capable of, not such as seemeth to him most easy to execute; for it is apparent that it is easie to him that knoweth not law nor justice to rule as he listeth, his will never wanting a power to itself; but it is safe and blamelesse both for the judge and people, and honour to the king, that judges be appointed who know the law, and that they be limited to governe according to the law." Who can suppose that this was the work of Lord Bacon, or doubt the purpose for which, in those tumultuous times, it was composed and ascribed to him?

6. In 1648, this tract was incorporated in a small 4to volume, of which the title page is as follows: *The Remaines of the Right Honorable Francis Lord Verulan, Viscount of St. Albanes, sometimes Lord Chancellour of England. Being Essayes and severall Letters to severall great Personages, and other pieces of various and high concernment not heretofore published. A Table whereof for the Readers more ease is adjoyned. London: Printed by B. Alsop, for Lawrence Chapman, and are to be sold at his Shop neer the Savoy in the Strand.* 1648.

The Table of Contents consists of forty-nine subjects, of which the four first are:

1. An Essay of a King.
2. An explanation of what manner of persons they should be, that are to execute the power or ordinance of the King's Prerogative.
3. Short notes of Civil Conversation.
4. An Essay on Death.

The first article, "An Essay of a King," with its Appendix, "An Explanation, &c." is a copy of this tract published in 1642: who the author was does not appear, nor is there any preface or address, or explanation of the sources from whence the different subjects were selected, or the authority upon which they were ascribed to Lord Bacon. That some of them (for instance, the opinion respecting the Charter House) were his lordship's is clear: and, but for these authentic documents, it is probable that the other publications would have fallen stillborn from the press; but they may have been supported, as Machiavel intimates that error is often supported by its alliance to truth, when he says, in a passage cited by Lord Bacon, "the kingdom of the clergy had been long before at an end, if the reputation and reverence towards the poverty of friars had not borne out the scandal of the superfluities and excesses of bishops and prelates." Let it not, therefore, be hastily inferred that the essay is genuine, because it appears in some good company: in some, not all, for the Essay of Death, which has not found any advocate, is in the same volume.

7. In 1656, a tract was published, of which the following is the title page: *The Mirrour of State and Eloqvence. Represented in the Incomparable Letters of the Famous Sir Francis Bacon, Lord Verulam, St. Albans, to Qvene Elizabeth, King James, and other Personages of the highest trust, and honour in the three Nations of England, Scotland, and Ireland. Concerning the better and more sure Establishment of those Nations in the affaires of Peace and Warre. With an ample and admirable accompt of his Faith, written by the express Command of King Iames: Together with the Character of a true Christian, and*

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some other adjuncts of rare Devotion. London. Printed for Lawrence Chapman, and are to be sold at his Shop next doore to the Fountain Taverne in the Strand, 1646. This is, I conceive, merely a new title page prefixed to the unsold copies of the edition of 1648: as the publisher is the same; the contents are the same; every page is the same; and the table of errata, at the conclusion of the volume, is the same.

8. In the year 1657, the first edition of the Resuscitatio was published by Rawley; and in 1679, the Baconiana, by Archbishop Tennison; but the Essay of a King is not noticed in either of these publications.

9. For near a century, that is, from 1656 to 1740, this essay seems to have been forgotten; but in 1740 it was revived by Blackburn, in his edition of the works of Lord Bacon, who, in that edition, not only published it as an essay of Lord Bacon's, but incorporated it amongst the other essays;—why he so incorporated it, instead of annexing it as a posthumous and uncertain publication, he does not explain: although, as an admirer of Lord Bacon, he ought not to have forgotten the admonition that doubtful things ought neither to be rejected nor received as certainties, but to be entered in the calendar of doubts. "The registering of doubts hath," says Lord Bacon, "two excellent uses: the one, that it saveth philosophy from errors and falsehoods; when that which is not fully appearing is not collected into assertion, whereby error might draw error, but is reserved in doubt." The reason which he assigns for having ascribed this essay to Lord Bacon is as follows:—"I have inserted from the Remains an Essay of a King; and my reason is, it is so collated and corrected by Archbishop Sancroft's well known hand, that it appears to be a new work; and though it consists of short propositions mostly, yet I will be so presumptuous as to say, that I think it now breathes the true spirit of our author: there seems to be an obvious reason why it was omitted before."

With respect to the opinion of Sancroft, there appears not to be any evidence that he thought the essay authentic; and, even if he had so thought, it cannot be necessary to add that it does not prove the fact. Why the examination of this essay by Sancroft, without knowing the nature of his observations, by which he was induced totally to alter the essay, should be evidence that the Archbishop thought it authentic, it seems difficult to discover. Is the present examination of the essay any evidence of my opinion of its authenticity? With respect to the style of Lord Bacon being perceptible in this essay, Blackburn has not explained in what the resemblance consists.' I have not been able to discover it: the only passage which may be supposed to have some resemblance, some shade of a shadow of resemblance, is the following:—"A wise king must do less in altering his laws than he may; for new government is ever dangerous. It being true in the body politic, as in the corporal, that "omnis subita immutatio est periculosa;" and though it be for the better, yet it is not without a fearful apprehension; for he that changeth the fundamental laws of a kingdom, thinketh there is no good title to a crown, but by conquest." Let this be contrasted with his Essay on Innovation; and, if any resemblance can be discovered, does it mark the hand of the master or of an imitator: "As the births of living creatures at first are ill-shapen, so are all innovations, which are the births of time; yet notwithstanding, as those that first bring honour into their family are commonly more worthy than most that succeed, so the first precedent (if it be good) is seldom attained by imitation; for ill to man's nature, as it stands perverted, hath a natural motion strongest in continuance; but good, as a forced motion, strongest at first. Surely every medicine is an innovation, and he that will not apply new remedies must expect new evils."—To me it seems that there is not any resemblance; but, if I am in error, it is not from a casual resemblance of an isolated passage, but from the whole spirit and style of a work, that we can be warranted in ascribing it to an author. —"Nothing is more easy," said a friend, "than occasionally to imitate the style of any eminent author."—"Attempt then," said a great admirer of Bishop Taylor, "to imitate his style." At their next interview, the following imitation was produced: "I have sat upon the sea shore, and waited for its gradual approaches, and have seen its dancing waves and its white surf, and admired

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that he who measured it in his hand had given to it such life and motion; and I have lingered till its gentle waters grew into mighty billows, and had well nigh swept me from my firmest footing. So have I seen an heedless youth gazing with a too curious spirit upon the sweet motions and gentle approaches of an inviting pleasure, till it has detained his eye, and imprisoned his feet, and swelled upon his soul, and swept him to a swift destruction."

10. In the British Museum (Lands. 236.) there is a volume of MSS. containing this essay, thus entitled in the catalogue: "Speeches and other compositions of Sir Francis Bacon, many whereof are stated by Mr. Umfreville, whose property they were, not to be collected into any edition of his works." The inscription to which the catalogue refers is, "Collectanea Bacon, many whereof are not yet collected into any edition of his works."—Who Mr. Umfreville was, or when this MS. was written, I know not.

11. The admission of this essay amongst the essays in the different editions of Lord Bacon's works and essays, seems to have been occasioned by the insertion of this essay by Blackburn, in his edition of 1740.

Essay on Death. This appeared, I believe, for the first time in the volume published in 1648, entitled Remains. It is inserted in Blackburn's edition, published in 1740, but, instead of being incorporated, like the "Essay of a King," amongst the other essays, it is annexed, at the end of the fourth volume, after the following notice:—The following fragments were never acknowledged by Dr. Rawley among the genuine writings of the Lord Bacon; nor dare I say that they come up to the spirit or penetration of our noble author: however, as they are vouched to be authentic in an edition of the Remains of the Lord Verulam, printed 1648; and as Archbishop Sancroft has reflected some credit on them by a careful review, having in very many instances corrected and prepared them for the press, among the other unquestioned writings of his lordship; for these reasons I have assigned them this place, and left every reader to form his own judgment about their importance.

As Lord Bacon published an Essay on Death in the edition of 1612, and enlarged it in the edition of 1625, and as there is not any evidence, direct or indirect, external or internal, that this is the production of Lord Bacon, I shall content myself with saying that, before it is adopted, there ought to be some evidence of its authenticity.*

Observations upon the Essays.

His political writings of a more general nature, are his Apothegms and Essays, besides the Excerpta, out of the Advancement above remembered. Both these contain much of that matter which we usually call moral, distinguishing it from that which is civil: in the handling of which sort of argument his lordship has been esteemed so far to excel, that he hath had a comment written on him, as on an author in ethics, and an advancer of that most useful part of learning. (*a*) Notwithstanding which, I am bold to put these books under this head of matter political; both because they contain a greater portion of that matter, and because in true philosophy the doctrine of politics and ethics maketh up but one body, and springeth from one root, the end of God Almighty in the government of the world.

Tennison.

In a late Latin edition of these essays, there are subjoined two discourses, the one called De Negotiis, the other Faber Fortunæ. But neither of these are works newly published, but treatises taken out of the book De Augmentis. To this book of Essays may be annexed that fragment of an Essay of Fame, which is extant already in the Resuscitatio.

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* By mistake it is stated in vol. i. of my edition of Bacon, that there is a MS. of this essay in the Museum.

(*a*) See Placcii Comment. in l. 7, Aug. Scient. de Philosophia Morali augenda, in octavo. Franc. an. 1677.

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Lord Bacon's Essays, Chamberlain's Letters, 17th Dec. 1612. "Sir Francis Bacon hath set out new essays, where in a chapter of Deformity, the world takes notice that he points out his little cousin to the life.*

See Hay's Essays on Deformity, where there is a running comment upon this essay of Lord Bacon's.

Professor Stewart, in his introductory lecture, says, "The ethical disquisitions of Bacon are almost entirely of a practical nature. Of the two theoretical questions so much agitated in both parts of this island, during the eighteenth century, concerning the principle, and the object of moral approbation, he has said nothing; but he has opened some new and interesting views with respect to the influence of custom and the formation of habits, a most important article of moral philosophy, on which he has enlarged more ably and more usefully than any writer since Aristotle. Under the same head of ethics, may be mentioned the small volume to which he has given the title of Essays; the best known and the most popular of all his works. It is also one of those where the superiority of his genius appears to the greatest advantage; the novelty and depth of his reflections often receiving a strong relief from the triteness of the subject. It may be read from beginning to end in a few hours; and yet after the twentieth perusal one seldom fails to remark in it something overlooked before. This, indeed, is a characteristic of all Bacon's writings, and is only to be accounted by the inexhaustible aliment they furnish our own thoughts, and the sympathetic activity they impart to our torpid faculties."—Dugald Stewart's First Dissertation, p. 54.

In the critique upon this introduction in the Edinburgh Review for September, 1816, the author says, "We more properly contrast than compare the experiments in The Natural History, with the moral and political observations which enrich the Advancement of Learning, the Speeches, the Letters, the History of Henry the Seventh, and above all, the Essays, a book which, though it has been praised with equal fervour by Voltaire, Johnson, and Burke, has never been characterized with such exact justice and such exquisite felicity of expression as in the discourse before us. It will serve still more distinctly to mark the natural tendency of his mind, to observe that his moral and political reflections relate to these practical subjects, considered in their most practical point of view; and that he has seldom or never attempted to reduce to theory the infinite particulars of that 'civil knowledge' which, as he himself tells us, is, of all others, most immersed in matter, and hardliest reduced to axiom."—Edinburgh Review, Sept. 1816.

Translations of the Essays.

Latin.

Bacon's notice of the Latin edition.—Of this translation, Bacon speaks in the following letter:

"To Mr. Tobie Matthew.

It is true my labours are now most set to have those works which I had formerly published, as that of Advancement of Learning, that of Henry VII. that of the Essays, being retractate, and made more perfect, well translated into Latin by the help of some good pens, which forsake me not. For these modern languages will, at one time or other, play the bankrupt with books; and since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity. For the Essay of Friendship, while I took your speech of it for a cursory request, I took my promise for a compliment. But since you call for it, I shall perform it."

In his letter to Father Fulgentio,† giving some account of his writings, he says, "The Novum Organum should immediately follow, but my Moral and political writings step in between as being more finished. These are the History

* The Earl of Salisbury, the Lord Treasurer, who is elsewhere called by Chamberlain the "little great man;" alluding, I suppose, to his size.

† Baconiana, page 196.

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of King Henry the Seventh, and the small book, which in your language you have called Saggi Morali, but I give it a graver title, that of Sermones Fideles, or Interiora Rerum, and these essays will not only be enlarged in number but still more in substance."

In the year 1622, in his letter to the Bishop of Winchester, concerning his published and intended writings, he says, "As for my Essays, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that manner purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and assiduity, perhaps yield more lustre and reputation to my name than the others I have in hand; but I judge the use a man should seek in publishing his writings before his death to be but an untimely anticipation of that which is proper to follow, and not to go along with him."—Then see his Dedications to the different editions.

Tennison's Notice of Latin Edition.

The nature of the Latin edition and of the Essays in general is thus stated by Archbisbop Tennison:

"The Essays, or Counsels Civil and Moral, though a by-work also, do yet make up a book of greater weight by far than the apothegms: and coming home to men's business and bosoms, his lordship entertained this persuasion concerning them, that the Latin volume might last as long as books should last. His lordship wrote them in the English tongue, and enlarged them as occasion served, and at last added to them the Colours of Good and Evil, which are likewise found in his book De Augmentis. The Latin translation of them was a work performed by divers hands; by those of Doctor Hacket (late Bishop of Lichfield), Mr. Benjamin Johnson (the learned and judicious poet), and some others, whose names I once heard from Dr. Rawley; but I cannot now recal them. To this Latin edition, he gave the title of Sermones Fideles, after the manner of the Jews, who called the words Adagies, or Observations of the Wise, Faithful Sayings; that is, credible propositions worthy of firm assent and ready acceptance. And (as I think) he alluded more particularly, in this title, to a passage in Ecclesiastes, where the Preacher saith that he sought to find out Verba Delectabilia (as Tremellius rendereth the Hebrew), pleasant words (that is, perhaps, his Book of Canticles;) and Verba Fidelia (as the same Tremellius), Faithful Sayings; meaning, it may be, his Collection of Proverbs. In the next verse, he calls them words of the wise, and so many goads and nails given 'Ab eodem pastore,' from the same shepherd [of the flock of Israel]."

Publication of Latin Edition by Rawley.

In the year 1638, Rawley published in folio a volume containing amongst other works, "Sermones Fideles, ab ipso Honoratissimo Auctore, præstorquam in paucis, Latinitate donatus." In his address to the reader he says: "Accedunt quas prius Delibationes Civiles et Morales inscripserat: quasetiam in linguas plurimas modernas translatas esse novit sed eas postea et numero, et pondere, auxit; in tantum, ut veluti opus novum videri possint; quas mutato titulo, Sermones Fideles sive Interiora Rerum, inscribi placuit. Addi etiam voluit. The title page, dedication, and the table of contents are annexed:

Sermones Fideles sive, Interiora Rerum. Per Franciscum Baconum Baronem de Verulamio, Vice-Comitem Sancti Albani. Londini, Excusum, typis Edwardi Griffin. Prostant ad Insignia Regia in Cœmeterio D. Pauli, apud Richardum Whitakerum, 1638.

Illustri and Excellenti Domino Georgio Duci Buckinghamiæ, summo Angliæ Admirallio.

Honoratissime Domine,—Salomon inquit, Nomen bonum est instar unguenti fragrantis et pretiosi; neque dubito, quintale futurum sit nomen tuum apud posteros. Etenim et fortuna, et meritatua, præcelluerunt. Et videris ea plantasse, quæsint duratura. In lucem jam edere mihi visum est Delibationes meas, quæ ex omnibus meis operibus fuerunt acceptissimæ: quia forsitan

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videntur, præ cæteris, hominum negotia stringere, et in sinus fluere. Eas autem auxi, et numero, et pondere: in tantum, ut plane opus novum sint. Consentaneum igitur duxi, affectui, et obligationi meæ, erga illustrissimam dominationem tuam, ut nomen tuum illis præfigam, tam in editione Anglica, quam Latina. Etenim, in bona spe sum, volumen earum in Latinam, (linguam scilicet universalem) versum, posse durare, quamdiu libri et literæ durent. Instaurationem meam regi dicavi: Historiam Regni Henrici Septimi, (quam etiam in Latinum verti) et portiones meas Naturalis Historiæ principi: has autem delibationes illustrissimæ dominationi tuæ dico; cùm sint, ex fructibus optimis quos gratia divinâ calami mei laboribus indulgente, exhibere potui. Deus illustrissimam dominationem tuam manu ducat. Illustrissimæ Dominationis tuæ servus devinctissimus et fidelis, FR. S. ALBAN.

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By comparing the Tables of Contents of the English edition of 1625 and the Latin edition of 1638, it will be seen that they consist of the same essays, except that the Latin edition does not contain either of the Essays Of Prophecies or Of Masks and Triumphs, which seem not to have been translated.

Retranslations of Latin into English.

In some editions the editors have substituted their own translations of the Latin for the beautiful English by Lord Bacon. How well they have succeeded the reader may judge by the following specimens. In a translation published by William H. Willymott, LL.D. A.D. 1720, he says, "Wanting an English book for my scholars to translate, which might improve them in

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sense and Latin at once, (two things which should never be divided in teaching) I thought nothing more proper for that purpose than Bacon's Essays, provided the English, which is in some places grown obsolete, were a little reformed, and made more fashionable. Accordingly having by me his lordship's Latin volume of the Essays, (which as it was a later, so seems to be a perfecter book) I fell to translating it, not tying myself strictly to the Latin, but comparing both languages together, and setting down that sense (where there was any difference) that seemed the fullest and plainest."

The following is a specimen:

Dr. Willymott.

"The principal virtue of prosperity is temperance; of adversity, fortitude; which in morals is reputed the most heroical virtue. Again, prosperity belongs to the blessings of the Old Testament; adversity to the beatitudes of the New, which are both in reality greater, and carry a clearer revelation of the divine favour. Yet, even in the Old Testament, if you listen to David's harp, you will find more lamentable airs than triumphant ones."

Lord Bacon.

"But to speak in a mean, the virtue of prosperity is temperance, the virtue of adversity is fortitude, which in morals is the more heroical virtue. Prosperity is the blessing of the Old Testament, adversity is the blessing of the New, which carrieth the greater benediction, and the clearer revelation of God's favour. Yet, even in the Old Testament, if you listen to David's harp, you shall hear as many herse-like airs as carols."

So too Shaw has made a similar attempt, of which the following is a specimen from the Essay "Of Goodness and Goodness of Nature:"

Lord Bacon.

"The parts and signs of goodness are many. If a man be gracious and courteous to strangers, it shews he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them; if he be compassionate towards the afflictions of others, it shews that his heart is like the noble tree that is wounded itself when it gives the balm: if he easily pardons and remits offences, it shews that his mind is planted above injuries, so that he cannot be shot; if he be thankful for small benefits, it shews that he weighs men's minds, and not their trash."

Dr. Shaw.

"There are several parts and signs of goodness. If a man be civil and courteous to strangers, it shews him a citizen of the world, whose heart is no island cut off from other lands, but a continent that joins them. If he be compassionate to the afflicted, it shews a noble soul, like the tree which is wounded when it gives the balm. If he easily pardons and forgives offences, it shews a mind perched above the reach of injuries. If he be thankful for small benefits, it shews he values men's minds before their treasure."

Dr. Shaw, in his preface, says, "A modern well-wisher to his works had said that the English edition of the Essays may be as durable as the Latin edition, if some equal hand would, once in a century, repair the decays of their fleeting language." Dr. Shaw has not contented himself with an alteration of the style, but has altered the arrangement of the essays, by classing them into

Essays { Moral, Economical, and Political.

French.

Essays Moraux. Tres Honorable Seigneur Francois Bacon Chevalier Baron de Verulam et grand Chancelier d'Angleterre traduites in Francois par le Sieur Arthur Georges, Chevalier Anglois. Scutura invincibile Fides. A Londres, chez Tenor Bell, 1619.

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Essays Politques et Moraux de Messire Francois Bacon, Grand Chancelier d'Angleteire mis en notre langue par C. Baudouin. A Paris, chez Francois Tulkot au pied des ponts degres du Palais, au soleil d'or. MDCXXXI. *Avec privilege du Roy.*

Post Nubila Surget Memoriæ Sacrum. Les Oevvres Morales et Politiques de Messire Francois Bacon, grand Chancelier d'Angleterre de la version de I. Baudoin. M.D.C.XXVI. *A Paris chez Pierre Bacolet Francois Targa au Palais a lentree de la galerie des Priers.*

In the Essay of Unity in Religion, Lord Bacon, in his English edition, says, "What would he have said, if he had known of the massacre in France, or the Powder Treason of England?" In this edition it is thus translated: "Mais qu'eust il dict s'il eust scen les sanglantes executions, et les horribles entreprises advenües de nostre temps pour ce mesme sujet?" This volume also contains the translation of some of the apothegms: upon examining those which are omitted, it will be seen how cautiously every apothegm has been avoided in which a cardinal or pope is mentioned.

Oeuvres de François Bacon, Chancelier d'Angleterre. Traduites par Ant. Lasalle. Avec des notes critiques, historiques et litteraires. Tome douzieme. A Dijon, de l'Imprimerie de L. N. Frantin. An. 10 *de la Republique Française.*

Italian.

Saggi Morali del Signore Francesco Bacono, Cavagliero Inglese, Gran Cancelliero de Inchilterra. Con vn altro suo Trattato della Sapienza degli Antichi. Tradotti in Italiano. In Londra appresso di Ciovani Billio. 1618.

Saggi Morali Opera Nuova di Francesco Bacon, Corretta, et data in luce del Sig. Cavalier Andrea Cioli Segretario di Stato del Sereniss. Gran Duca di Toscana, et un Trattato della Sapienza de gli Antichi all illustris et excel. Sig. D. Francesco Colonna Principe de Palestina, &c. Ristampata in Bracciano per Andrea Fei. An licenza de Sup. 1621. *Ad custanza di Pompilio Totti Librario in Navona.*

Sette Saggi Morali Del Sig. Cavalier Francesco Baccone non più veduti, e tradotti nell' Italiano. Con trentaquatro Esplicationi d'attretante Sentenze di Salomone. Con Licenza de' Superiori, & Priuilegio. In Venetia. Appresso Gitolamo Piuti. Al monte Parnaso. 1626.

Lord Bacon's Essays. London, printed by Bensley, 1798. 12mo. Four large paper copies printed exclusively for the Countess Spencer. These four copies were presented by Lady Spencer, one to the late Duke of Devonshire, one to the late Rev. C. M. Cracherode, a third to the late Mr. James, and the fourth to his lordship. Ædes Althorpianæ, vol. i. p. 104. A copy, stated to be that of Mr. James, in the catalogue of Payne and Foss, 1823, Supplement, marked 8*l.* 8*s.*

It is a fact not unworthy of notice. The first book published in Philadelphia consists partly of the volume of Essays. It is entitled "The Temple of Wisdom," printed by William Bradford, Philadelphia, 1688.

3 K. *Life, p.* xxxvii.

All his early tracts, those which seem to have been written by him when a boy, are without imagery. See his treatise on Rhetoric, in the Advancement of Learning, vol. ii. p. 210. See also his praise of writing in Aphorisms, vol. ii. p. 203. It appears, therefore, that in after life he had recourse to method and ornament to insure reception for the truths which he was anxious to communicate. It may, however, be thought that this imagery had not, as in many poets, precedency in his mind, but followed in the train of his reason, and was used merely as a mode of illustrating the truths which he wishes to explain. To illustrate this, take (vol. ii. p. 51) the following passage: "But the greatest error of all the rest, is the mistaking or misplacing of the last or farthest end of knowledge; for men have entered into a desire of learning and knowledge,

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sometimes upon a natural curiosity and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; and sometimes to enable them to victory of wit and contradiction; and most times for lucre and profession; and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men: as if there were sought in knowledge a couch, whereupon to rest a searching and restless spirit; or a terras, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state, for a proud mind to raise itself upon; or a fort or commanding ground, for strife and contention; or a shop, for profit or sale; and not a rich storehouse, for the glory of the Creator, and the relief of man's estate." Upon examining this extract, it will appear that the truth is first conveyed, and that the imagery is appended to enforce it by decoration.

Different parts of his works contain his sentiments upon imagination. In the conclusion of his tract on Poesy, he says, "But it is not good to stay too long in the theatre. Let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention." And in the preface to the Sylva Sylvarum, Dr. Rawley says, "I will conclude with an usual speech of his lordship's, that this work of his Natural History is the world as God made it, and not as men have made it; for that it hath nothing of imagination."

That his favourite style for philosophy was in Aphorisms, see his treatise on style in the Advancement of Learning, page 203 of vol. ii. of this edition. See also his Novum Organum, vol. ix. page 191, which is entirely in Aphorisms, and his tract on Justitia Universalis, in the Treatise de Augmentis, vol. ix. page 83.

3 L. *Life, p.* xli.

In the Meditations, he says, "This I dare affirm in knowledge of nature, that a little natural philosophy, and the first entrance into it, doth dispose the opinion to atheism; but on the other side, much natural philosophy and wading deep into it will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools, than this, 'There is no God.'"

In the Advancement of Learning, he says, "It is an assured truth, and a conclusion of experience, that a little or superficial knowledge of philosophy may incline the mind of man to atheism, but a further proceeding therein doth bring the mind back again to religion; for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause; but when a man passeth on farther, and seeth the dependence of causes, and the works of Providence, then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs be tied to the foot of Jupiter's chair."

Upon this subject Lord Bacon's sentiments seemed to have been formed at an early period of his life, and to have continued to his death. In the "Meditationes Sacræ," a portion of his Meditation on Atheism is as follows:—Of Atheism. "The fool hath said in his heart there is no God." First, it is to be noted that the scripture saith, "The fool hath said in his heart, and not thought in his heart." It is a fool that hath so said in his heart, which is most true; not only in respect that he hath no taste in those things which are supernatural and divine, but in respect of human and civil wisdom; for, first of all, if you mark the wits and dispositions which are inclined to atheism, you shall find them light, scoffing, impudent, and vain; briefly, of such a constitution as is most contrary to wisdom and moral gravity. Secondly, amongst statesmen and politics those which have been of greatest depths and compass, and of largest and most universal understanding, have not only in cunning made their profit in seeming religious to the people, but in truth have been touched with an inward sense of the knowledge of

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the Deity, as they which you shall evermore note to have attributed much to fortune and providence. Contrariwise, those who ascribed all things to their own cunning and practices, and to the immediate and apparent causes, and as the prophet saith, "have sacrificed to their own nets," have been always but petty counterfeit statesmen, and not capable of the greatest actions. Lastly, this I dare affirm, in knowledge of nature, that a little natural philosophy and the first entrance into it, doth dispose the opinion to atheism; but, on the other side, much natural philosophy, and wading deep into it, will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools than this, "There is no God."

The first edition of his Essays, which was published with the Meditationes Sacræ, in 1597, does not contain any essay upon Atheism. The next time the subject is mentioned by Lord Bacon is in 1605, in the passage which I have just quoted from the Advancement of Learning.

In 1612, Lord Bacon published an enlarged edition of his Essays, and in this edition there is an essay on Atheism, containing the very same sentiments; and in 1625, the year before his death, he published another edition of his Essays, in which there are additions and alterations, and considerable improvements of the essay on Atheism, but a repetition of the same opinions. He says, in his sixteenth essay, which is "Of Atheism," "I had rather believe all the fables in the legend and the Talmud and the Alcoran, than that this universal frame is without a mind; and therefore God never wrought miracle to convince atheism, because his ordinary works convince it. It is true that a little philosophy inclines man's mind to atheism, but depth in philosophy bringeth men's minds about to religion; for while the mind of man looketh upon second causes scattered, it may sometimes rest in them, and go no further; but when it beholdeth the chain of them confederate and linked together, it must needs fly to providence and deity."

3 M. *Life, p.* xlii.

To my Lord of Essex.

My singular good Lord,—Your lordship's so honourable minding my poor fortune, the last year, in the very entrance into that great action, (which is a time of less leisure; and in so liberal an allowance of your care, as to write three letters to stir me up friends in your absence, doth, after a sort, warrant me not to object to myself your present quantity of affairs, whereby to silence myself from petition of the like favour. I brake with your lordship myself at the Tower; and I take it, my brother hath since renewed the same motion, touching a fortune I was in thought to attempt, *in genere œconomico. In genere politico*, certain cross winds have blown contrary. My suit to your lordship is, for your several letters to be left with me, dormant, to the gentlewoman and either of her parents. Wherein I do not doubt, but as the beams of your favour have often dissolved the coldness of my fortune, so in this argument your lordship will do the like with your pen. My desire is also, that your lordship would vouchsafe unto me, as out of your care, a general letter to my Lord Keeper, for his lordship's holding me from you recommended, both in the course of my practice, and in the course of my employment in her majesty's service; wherein, if your lordship shall, in any antithesis or relation affirm, that his lordship shall have no less fruit of me than of any other whom he may cherish, I hope your lordship shall engage yourself for no impossibility. Lastly, and chiefly, I know not whether I shall attain to see your lordship before your noble journey; for ceremonies are things infinitely inferior to my love and to my zeal. This let me, with your allowance, say unto you by pen. It is true that in my well meaning advices, out of my love to your lordship, and, perhaps, out of the state of mine own minde, I have sometimes persuaded a course differing: *Ac tibi pro tutis insignia facta placebunt:* Be it so: yet remember, that the signing of your name is nothing, unless it be to some good patent or charter, whereby your country may be endowed with good and benefit. Which I speak

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both to move you to preserve your person for further merit and service of her majesty and your country: and likewise, to refer this action to the same end. And so in most true and fervent prayers, I commend your lordship, and your work in hand, to the preservation and conduct of the divine majesty; so much the more watchful as these actions do more manifestly in show, though alike in truth, depend upon his divine providence.

That nobleman embraced the cause of his friend with his wonted zeal, and instantly dispatched two letters from Sandwich, to be given to the father and mother of the lady. The letter to Sir Thomas Cecil was as follows:

Sir,—I write this letter from the sea side ready to go abroad, and leave it with my secretary, to be by him delivered to you, whensoever he shall know, that my dear and worthy friend, Mr. Francis Bacon, is a suitor to my Lady Hatton, your daughter. What his virtues and excellent parts are, you are not ignorant. What advantages you may give, both to yourself and to your house, by having a son-in-law so qualified, and so likely to rise in his profession, you may easily judge. Therefore, to warrant my moving of you to incline favourably to his suit, I will only add this, that if she were my sister or daughter, I protest I would as confidently resolve to farther it, as I now persuade you. And though my love to him be exceedingly great, yet is my judgment nothing partial; for he that knows him as well as I do, cannot but be so affected. In this farewell of mine I pray receive the kindest wishes of your most affectionate and assured friend, ESSEX.

Sandwich, this 24th of June.

Lady Cecil, to whom the next letter was addressed, was one of the daughters and coheirs of John Nevil, Lord Latimer.

Madam,—The end in my writing to your ladyship now, is to do that office to my worthy and dear friend, which, if I had stayed in England, I would have done by speech; and that is, to solicit your ladyship to favour his suit to my Lady Hatton, your daughter; which I do in behalf of Mr. Francis Bacon, whose virtues I know so much, as you must hold him worthy of very good fortune. If my judgment be any thing, I do assure your ladyship I think you shall very happily bestow your daughter. And if my faith be any thing, I protest, if I had one as near me, as she is to you, I had rather match her with him than with men of far greater titles. And if my words do carry credit with your ladyship, you shall make me very much bound to you, and shall tie me to be at your ladyship's commandment, ESSEX.

Sandwich, the 24th of June, 1597.

3 N. *Life*, *p.* xlii.

This was a most unhappy marriage, and Bacon's subsequent knowledge of Lady Hatton's violence of temper must have made him thankful for his defeat. This lady's name is still connected with a wild legend, and not many years since she was believed to revel nightly with much pomp, in the old mansion in Hatton Garden, which Count Swedenborg afterwards converted into a chapel.

3 O. *Life*, *p.* xlii.

To Sir Thomas Egerton, Lord Keeper of the Great Seal.

It may please your Lordship,---I am to make humble complaint to your lordship of some hard dealing offered me by one Sympson, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse; but yet I could scarcely have imagined he would have dealt either so dishonestly towards myself, or so contemptuously towards her majesty's service. For this Lombard (pardon me, I most humbly pray your lordship, if being admonished by the street he dwells in, I give him that name) having me in bond for three

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hundred pounds principal, and I having the last term confessed the action, and by his full and direct consent, respited the satisfaction till the beginning of this term to come, without ever giving me warning, either by letter or message, served an execution upon me, having trained me at such time as I came from the Tower, where Mr. Waad can witness, we attended a service of no mean importance; neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house is just by; handling it as upon a despite, being a man I never provoked with a cross word, no nor with many delays. He would have urged it to have had me in prison; which he had done, had not Sheriff More, to whom I sent, gently recommended me to a handsome house in Coleman Street, where I am. Now because he will not treat with me, I am inforced humbly to desire your lordship to send for him according to your place, to bring him to some reason; and this forthwith, because I continue here to my farther discredit and inconvenience, and the trouble of the gentleman with whom I am. I have a hundred pounds laying by me, which he may have, and the rest upon some reasonable time and security, or if need be, the whole; but with my more trouble. As for the contempt he hath offered, in regard her majesty's service to my understanding, carrieth a privilege *eundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though unworthy, I am vouchsafed, I inforce nothing, thinking I have done my part when I have made it known, and so leave it to your lordship's honourable consideration. And so with signification of my humble duty, &c.

To Sir Robert Cecil, Secretary of State.

It may please your Honour,---I humbly pray you to understand how badly I have been used by the inclosed, being a copy of a letter of complaint thereof, which I have written to the lord keeper. How sensitive you are of wrongs offered to your blood in my particular I have had not long since experience. But herein I think your honour will be doubly sensitive, in tenderness also of the indignity to her majesty's service; for as for me, Mr. Sympson might have had me every day in London; and therefore to belay me while he knew I came from the Tower about her majesty's special service was to my understanding very bold. And two days before he brags he forebore me, because I dined with Sheriff More: so as with Mr. Sympson, examinations at the Tower are not so great a privilege, *eundo et redeundo*, as Sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my lord of Essex thereof; for otherwise his punishment will do me no good.

So with signification of my humble duty, I commend your honour to the divine preservation. At your honourable command particularly, Fr. Bacon.

3 P. *Life, p.* xlii.

The following is the title of the work: *An Account of the lately erected Service, called the Office of Compositions for Alienations. Written [about the close of* 1598] *by Mr. Francis Bacon, and published from a MS. in the Inner Temple Library.* There is a MS. of it in the Harleian MSS. 4888-5.

The biographer of Bacon, in the Biographia Britannica, thus speaks of this work. How far this eulogium is correct I leave the reader to discover. "This curious and highly finished tract, which has been but lately published from a MS. in the Inner Temple Library, is one of the most laboured pieces penned by our most learned author, containing his resolutions of a very perplexed question, whether it was most for the Queen's benefit, that the profits arising from this office for Alienations, should be let out to farm or not? In handling this he has shewn such diversity of learning, and so clear a conception of all the different points of law, history, antiquities, and policy, as is really amazing; for I think it may be truly said, that there is not any treatise of the same compass extant in our language, which manifests so comprehensive a genius, and so accurate a knowledge, both with respect to theory and practice as this, and

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therefore it cannot but seem strange, that it lay so long hid from the world; but what appears to me most surprising is, that it shews our author to have had as true notions, and as good a turn for economy as any man ever had, which before the publication of this treatise, was thought the only kind of knowledge in which he was deficient. But it seems it was one thing as a lawyer, statesman, and candidate for court favour, to enter into a detail of the Queen's revenues, to consider the various methods in which they might be managed, together with the advantages and disadvantages attending each method; and quite another, to enter with like spirit and diligence into his own affairs, which if he had done, he might have passed his days more happily, and have left his fame without blemish."

About the close of the succeeding year, 1598, he composed, on a particular occasion, his History of the Alienation Office, which, however, was not published till many years after his decease. In this learned work he has fully shewn how great a master he was, not in our law only, but in our history and antiquities; so that it may be justly said, there never fell any thing from his pen, which more clearly and fully demonstrated his abilities in his profession. It is not written in that dry, dark, and unentertaining way, which so much discourages young readers in the perusal of books of this kind; but, on the contrary, the style is pleasant and agreeable, though plain and suitable to the subject; and facts, authorities, observations, remarks, and reflections, are so judiciously interwoven, that whoever reads it with a competent knowledge of the subject, must acknowledge him an able lawyer and an elegant writer. It is needless to mention some smaller instances of his abilities in the law, which nevertheless were received by the learned society of which he was a member, with all possible marks of veneration and esteem, and which they have preserved with that reverence due to so worthy a person and so eminent an ornament of their house.

3 Q. *Life, p.* xlii.

Chudley's case, Le Argument de Fr. Bacon, Lansdowne MSS. 1121. I have procured a copy, and had I procured it in time, it should have been inserted in the volume in this edition appropriated to law works.

3 R. *Life, p.* xlii.

I subjoin some notices and observations upon the reading in the Statute of Uses.

The first edition of which I have any knowledge, and of which there is a copy in the British Museum, was in 1642. It is thus noticed in the Baconiana: "His lordship's seventh writing, touching Civil Policy in special, is his reading on the Statute of Uses. The following is a copy of the title page: *The learned Reading of Sir Francis Bacon, one of her Majesties learned Counsell at Law, upon the Statute of Uses: being his double Reading to the Honourable Society of Grayes Inne. Published for the common good. London: printed for Mathew Walbancke, and Laurence Chapman.* 1642.

There have, of course, been various editions since 1642, of which the last was by W. H. Rowe. No. 342 of Hargrave's MSS. contains Index to Bacon on Statute of Uses. The copies in MS. in the Harleian collection in the British Museum appear from the hand writing to have been both written prior to the first printed edition; that in No. 1853 is a complete copy, the other in No. 6688 is written very close in a neat hand, and contains about two-thirds only of the reading; it ends with this passage: "The words that are common to both are words expressing the conveyance whereby the use ariseth."

Blackburn, vol. i. p. 184. We are now come to the learned reading upon the Statute of Uses, being Mr. Bacon's double reading to the honourable society of Gray's Inn, 42 Eliz. When this piece was first published, the state of printing resembled the state of monarchy, both being at a low ebb; and none of our noble author's works have been more miserably racked and disjointed

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than this before us. I have been fortunate in procuring a corrected copy of the whole; and further still, a second and much better copy in MS. which I take, upon comparison of hands, to be the character of our author's clerk or amanuensis; for as the proprietor of this MS. was a lawyer by profession, so being cotemporary with our author, the probability of its being an original is the stronger. However, I presume to say, *meo periculo*, that the internal proofs of the excellency of this MS. so far as it goes (viz. to p. 169) are such that they make our author speak masterly sense, and render the work in a manner new.

In the Harleian collection in the British Museum are the following MSS. with these titles:

Lecturæ Francisci Bacon unius ex consilio Dominæ Reginæ in Legibus Eruditis, Duplicis Lectoris, Super Statutum edictum 27 *Hen.* VIII. *cap.* 10. *de Usibus in Possessionem transferendis. In English.* Harleian MSS. British Museum, No. 1863, fol. 90—167.

Lecturæ secundæ Francisci Bacon militis super Statutum provisum, 27 *Hen.* VIII. *cap.* 10. *de usubus in possessionem transferendis, &c.* Harleian MSS. British Museum, No. 6688, f. 16.

Mr. Hargrave has written the following note on the first leaf of his copy of the edition by Rowe, now in the British Museum:—The first edition of Lord Bacon's Reading on the Statute of Uses was in 1642, which was about seventeen years after his death. In the title page of that edition it is expressed to be "The Learned Reading of Sir Francis Bacon, one of her Majesty's Counsel at Law, upon the Statute of Uses, being his Double Reading to the Honourable Society of Grayes Inne." It appears therefore to have been delivered in the reign of Queen Elizabeth. I collect also from the early part of the Reading, where Lord Bacon mentions *Master Attorney's* having read upon the statute, that the Reading of Lord Bacon was composed whilst Lord Coke was attorney general to Queen Elizabeth, which was from 10th April, 36th Eliz. to the end of her reign. My inference that by *Master Attorney* Lord Bacon meant Lord Coke, is from my having a manuscript volume of Readings, with an imperfect note of part of a reading by Lord Coke upon the Statute of Uses, entitled Lecture of Master Coke, Attorney General; and from Lord Coke's being Attorney General when the Reading by Lord Bacon was delivered, which must have been after the judgment in Chudleigh's case, in 37th Eliz. he citing that judgment as made in that year. Upon the whole, I think that Lord Bacon's Reading was delivered about three or four years before the death of Elizabeth. —F. H.

In Coke upon Littleton, 17 Edw. l. i. c. 1. gg 4. p. 13, there is the following accidental observation by Mr. Hargrave: "As to an uses ensuing the nature of the land, see 1 Co. 127, 2 Co. 58, and Bac. Reading on Stat. Uses, 8vo. edit. 306, in which latter book the author controverts the generality of the doctrines, which certainly ought to be understood between *uses* and the *land* itself; or rather, as he expresses himself between uses and cases of possession. It may be proper to observe, that all the editions of Lord Bacon's Reading on Uses are printed with such extreme incorrectness, that many passages are rendered almost unintelligible, even to the most attentive reader. A work so excellent deserves a better edition."

3 S. *Life, p.* xliv.

The following selections from D'Ewes's Journal will enable the reader to form some estimate of his unremitted exertions; and will be the means of publishing some speeches not hitherto contained in any of the works.

Extract from the Journal of the House of Commons, 39 and 40 Reg. Eliz. 1597, p. 551.—Mr. Francis Bacon spake first, after that one bill, mentioned in the original Journal Book of the House of Commons, had been read the first time, viz. the bill against Forestallers, Regraters, and Ingrossers, and made a motion against inclosures and depopulation of towns and houses, of husbandry and tillage; and to this purpose he brought in, as he termed it, two bills not drawn with a polished pen, but with a polished heart free from affection and

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affectation. And because former laws are medicines of our understanding, he said he had perused the preambles of former statutes, and by them did see the inconveniences of this matter, being scarce then out of the shell, to be now fully ripened; and he said that the overflowing of the people makes a shrinking, and abate elsewhere; and that these two mischiefs, though they be exceeding great, yet they seem the less because *qui mala cum multis patimur, leviora videntur*, and though it may be thought ill and very prejudicial to lords that have inclosed great grounds, and pulled down even whole towns, and converted them to sheep pastures; yet considering the increase of people and the benefit of the commonwealth, I doubt not but every man will deem the revival of former moth-eaten laws in this point a praiseworthy thing. For in matters in policy, ill is not to be thought ill, which bringeth forth good; for inclosure of grounds brings depopulation, which brings, first, idleness; secondly, decay of tillage; thirdly, subversion of houses, and decay of charity, and charges to the poor; fourthly, impoverishing the state of the realm. A law for the taking away of such inconveniences is not to be thought ill or hurtful to the general state; and I would be sorry to see within this realm that piece of Ovid's verse prove true, *Jum seges ubi Troja fuit*, so in England, instead of a whole town full of people, nought but green fields, but a shepherd and a dog. The eye of experience is the sure eye, but the eye of wisdom is the quicksighted eye; and by experience we daily see, *Nemo putat illud videri turpe, quod sibi sit quæstosum*, and therefore there is almost no conscience made in destroying of the life, bread, I mean, for *Panis sapor vitæ*, and therefore a strict and rigorous law had need to be made against those viperous natures who fulfil the proverb, *Si non posse quod vult, velle tamen quod potest*, which if it be made by us, and life given unto it by execution in our several counties, no doubt they will prove laws tending to God's honour, the renown of her majesty, the fame of this parliament, and the everlasting good of this kingdom, and therefore I think them worthy to be received and read.—Thus far out of the aforesaid fragmentary and imperfect journal: that which follows is out of the original Journal Book itself. In the end of which said speech, as it should seem, the said Mr. Bacon did move the house that a committee might be appointed to consider of the said matter touching inclosures.

Extract from the Journal of the House of Commons, 39 and 40 Eliz. 1597, 23rd Nov. p. 562.—Mr. Francis Bacon, one of the committee, concerning tillage and reedifying of houses and buildings (who were appointed on Saturday, the 5th day of this instant November foregoing) shewed very eloquently and at large the travels of the said committee in their sundry meetings together, with his framing a bill, by their appointment, for some fit means of procuring the reedifying of such houses and buildings; and so offered the bill to the house, and recommending the same to their good consideration, delivered the bill to Mr. Speaker.

Extract from the Journal of the House of Commons, 39 and 40 Eliz. 1597, 5th Dec. page 568.—Mr. Francis Bacon, one of the committees of the bill for tillage and building of houses (who were appointed on Saturday, the 26th day of November foregoing), shewed at large the meeting and the travel of the committees, and their framing of two new bills, and delivereth both the old and the new bill to the house.

From the Journal of the House of Commons, 8th Dec. 40 Reg. Eliz. 1597, p. 571.—Mr. Francis Bacon, one of the committees in the bill to preserve the property of stolen horses in the true owner's, brought in the bill with some amendments, which being thrice read, was ordered to be engrossed.

Extract from Dewe's Journal, 39 and 40 Eliz. 14 Jan, 1597, page 580.—Mr. Bacon reciting in part the preceedings yesterday in the conference with the Lords at the court, and putting the house in mind of the objections of the Lords, delivered this day in writing by Mr. Attorney General, moved for a committee of some selected members of this house to be nominated to confer and consider upon the said objections, for the better answering of the same to the maintenance of the bill. Whereupon some desiring that the said objections might be

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read, all was then further deferred till Monday next, the time being now far spent, and the house ready to rise.

Extract from Dewe's Journal, 39 and 40 Eliz. 4 Feb. 1598, page 593.—Mr. Francis Bacon, one of the committees in the bill lately passed in the upper house by the Lords, and sent down to this house, against the decaying of houses and towns of husbandry, shewed the meeting and travel of the committees and amendments to the same bill, which amendments being read to the house, was very well liked of by the whole house.

Extract from Dewe's Journal, 39 and 40 Eliz. 3rd Feb. 1598, page 592.—Mr. Francis Bacon, one of the committees in the bill lately passed in the upper house, and sent down by the Lords to this house, entitled an act against the decaying of towns and houses of husbandry, shewed the meeting of the committees, and that the more part of them being employed in the committee of a bill for the more speedy payment of the Queen's majesty's debts (who were appointed on Tuesday, the 31st day of January foregoing), and in the bill for the better explanation of the act made in the thirteenth year of her majesty's reign, entitled an act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts, they would proceed in the said other bill, and so moved for another meeting for that purpose. Whereupon it was ordered the same should be at two of the clock of the afternoon of this present day in the Exchequer Chamber.

Extract from the Parliamentary History, 43 Reg. Eliz. Nov. 5, 1601, p. 436.—The famous Mr. Francis Bacon, so often mentioned before, stood up to make a motion, and on the offering of a bill spoke thus:—Mr. Speaker, I am not of their minds that bring their bills into this house obscurely, by delivery only to yourself or the clerk, delighting to have the bills to be *incerto authore*, as though they were either ashamed of their work, or afraid to father their own children; but I, Mr. Speaker, have a bill here, which I know I shall no sooner be ready to offer, but you will be ready to receive and approve. I liken this bill to that sentence of the poet, who set this as a paradox in the fore front of his book, *First water, then gold*, preferring necessity before pleasure. And I am of the same opinion that things necessary in use, are better than those things which are glorious in estimation. This, Mr. Speaker, is no bill of state or novelty, like a stately gallery for pleasure, but neither to dine in or to sleep in: but this bill is a bill of repose, of quiet, of profit, of true and just dealings; the title whereof is, *An Act for the better suppressing of abuses in weights and measures*. We have turned out divers bills without disputation; and for a house of wisdom and gravity as this is, to bandy bills like balls, and to be silent as if nobody were of counsel with the commonwealth, is unfitting in my understanding for the state thereof. I will tell you, Mr. Speaker, out of my own experience, that I have learned and observed, having had causes of this nature referred to my report; that this fault of using false weights and measures has grown so intolerable and common, that if you would build churches, you shall not need for battlements and bells other than false weights of lead and brass; and because I would observe the advice given in the beginning of this parliament, that we should make no new laws; I have only made this bill a confirmation of the statute of the 11th of Henry VII. with a few additions, to which I will speak at the passing of the bill, and shew the reasons of every particular clause, the whole being a revival of a former statute; for I take it far better to scour a stream than to turn a stream: and the first clause is, "That it is to extend to the principality of Wales, to constrain them to have the like measures and weights to us in England."

Extract from the Journal of the House of Commons, 43 Eliz. 7 Nov. 1601, page 632.—Mr. Francis Bacon, after a repetition of somewhat was done yesterday, that the three pound men might not be excluded, he concluded that it was, *Dulcis tractus pari jugo*, therefore the poor as well as the rich not to be exempted.

Extract from Dewe's Journal, 43 Eliz. 13 Nov. 1601, page 636.—Mr. Francis Bacon said, It is far more honourable for this house in my opinion, when our warrant shall move the principal member of justice, that when it shall com-

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mand a base, petty, or inferior servant to the clerk of the crown or the clerk of the petty bag, it will be said that our warrant *emanavit improvide*, when we shall direct our warrants to these base officers when we may move the great seal of England by it, even as soon as either petty bag or petty officer.

Extract from Dewe's Journal, 43 Eliz. 18 Nov. 1601, page 642.—Mr. Bacon, one of the committees in the bill touching process and pleadings in the court of Exchequer, maketh report of the travel and meeting of the committees, and brought in a new bill drawn to the same purpose; upon the referring whereof he spake as followeth (out of the private journal): Mr. Speaker, This bill hath been deliberately and judiciously considered of by the committees, before whom Mr. Osborn came, who I assure this house did so discreetly demean himself, and so submissively referred the state of this whole office to the committees, and so well answered in his defence, that they would not ransack the heaps, or sound the bottom of former offences, but only have taken away something that was superfluous and needless to the subject. Touching the committees they have reformed part; yet they have not so nearly eyed every particular as if they would pare to the quick an office of her majesty's gift and patronage. This bill is both public and private: public, because it is to do unto the subject; and private, because it does no injustice to the particular officer. The committees herein have not taxed the officer by way of imputation, but removed a task by removing way of imposition. I will not tell you what we have taken away, either *in quo titulos*, in Exchequer language, or according to the poet, who saith, *Mitte id quod scio, dic quod rogo;* I will omit that which you have known, and tell you that you know not and are to know, and that in familiar terms. And so he told the substance of the bill. We found that her majesty, whose eyes are the candles of our good days, had made him an officer by patent; in which that he might have right, her majesty's learned counsel were there in centinel to see that her majesty's right might not be suppressed. If my memory hath failed me in the delivering of the truth of the proceeding, and the committee's determination, I desire those that were present to help and assist me. Here is the bill. So he called aloud to the serjeant of the house, and delivered him the bill to deliver to the Speaker, which said bill was read *primâ vice*.

Extract from the Journal of the House of Commons, 43 Eliz. 20 Nov. 1601, page 644.—Mr. Francis Bacon said, The gentleman that spake last coasted so for and against the bill, that for my own part, not well hearing him, I do not perfectly understand him. I confess, the bill as it is, is in few words, yet ponderous and weighty. For the prerogative royal of the prince, for my own part, I ever allowed of it, and it is such as shall never be discussed. The Queen, as she is our sovereign, hath both an enlarging and distraining power. For by her prerogative she may at first set at liberty things restrained by statute law or otherwise; and secondly, by her prerogative she may restrain things which be at liberty. For the first, she may grant *non obstante*, contrary to the penal laws, which truly, according to my own conscience (and so struck himself on the breast), are as hateful to the subjects as monopolies. For the second, if any man out of his own wit, industry, or endeavour finds out any thing beneficial for the commonwealth, or bring in any new invention, which every subject of this kingdom may use; yet, in regard of his pains and travels therein, her majesty is pleased to grant him a privilege to use the same only by himself or his deputies for a certain time. This is one kind of monopoly. Sometime, there is a glut of things when they be in excessive quantity, as perhaps of corn, and her majesty gives license of transportation to one man: this is another kind of monopoly. Sometime there is a scarcity or small quantity, and the like is granted also. These and divers of this nature have been in trial both at the Common Pleas upon actions of trespass, where if the judges do find the privilege good and beneficial to the commonwealth, they then will allow it; otherwise, disallow it. And also I know that her majesty herself hath given commandment to her Attorney General to bring divers of them, since the last parliament, to trial in the Exchequer, since which time at least fifteen or sixteen, to my knowledge, have been repealed; some by her majesty's express

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commandment upon complaint made unto her by petition, and some by *quo warranto*, in the Exchequer. But, Mr. Speaker (said he, pointing to the bill), this is no stranger to this place, but a stranger in this vestment; the use hath been ever to humble ourselves unto her majesty, and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. All cannot be done at once; neither was it possible since last parliament to repeal all. If her majesty make a patent (or as we term it, a monopoly) unto any of her servants, that must go, and we cry out of it; but if she grant it to a number of burgesses or a corporation, that must stand, and that forsooth is no monopoly. I say, and I say again, that we ought not to deal, to judge, or meddle with her majesty's prerogative. I wish every man therefore to be careful in this business; and humbly pray this house to testify with me that I have discharged my duty in respect of my place, in speaking on her majesty's behalf, and protest I have delivered my conscience in saying that which I have said.

Extract from the Journal of the House of Commons, 43 Eliz. 9 Dec. 1601, page 674.—Mr. Bacon said, The old commendation of Italy by the poet was, *Potens viris atque ubere glebæ*, and it stands not with the policy of the state that the wealth of the kingdom should be engrossed into a few graziers' hands. And if you put in so many provisos as be desired, you will make it useless. The husbandman is a strong man, the good footman, which is the chief observation of good warriors, &c. So he concluded the statute not to be repealed.

From the Journal of the House of Commons, 43 Eliz. 4 Dec. 1601, page 669. —Mr. Bacon said, I am, Mr. Speaker, to tender unto this house the fruit of the committee's labour, which tends to the comfort of the realm, I mean the merchant, which if it quail or fail into a consumption, the state cannot choose but shortly be sick of that disease. It is inclining already. A certainty of gain is that which this law provides for, and by policy of assurance the safety of goods assured unto merchants. This is the loadstone that draws him on to adventure, and to stretch even the very punctilio of his credit. The committees have drawn a new bill, far differing from the old: the first limited power to the Chancery, this to certain commissioners of Oyer and Terminer; the first, that it should only be there, this that only upon appeal from the commissioners it should be there finally arbitrated. But lest it may be thought for vexation, the party appellant must lay it in *deposito*, &c. and if tried against him, to pay double costs and damages. We thought this course fittest for two reasons; first, because a suit in Chancery is too long a course, and the merchant cannot endure delays; secondly, because our courts have not the knowledge of their terms, neither can I tell what to say upon their causes, which be secret in their science, proceeding out of their experience. I refer the bill both old and new to your considerations, wishing good success therefore in both for the comfort of the merchants and performance of our duties. The act is entitled, An Act touching Policies of Assurances used among Merchants.

3 T. *Life, p.* xlviii.

See Bacon's Essay on Friendship. The following, from Bacon's Apology respecting Essex, is a specimen of Elizabeth's sensibility upon this subject: "And another time I remember she told me for news, that my lord had written unto her some very dutiful letters, and that she had been moved by them, and when she took it to be the abundance of the heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines; whereunto I replied, O Madam, how doth your Majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards perfection, the other towards preservation. That to perfection, as the iron contendeth to the loadstone; that to preservation, as the vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold itself. And therefore, madam, you must distinguish my lord's desire to do you service, is as to

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his perfection, that which he thinks himself to be born for: whereas his desire to obtain this thing of you, is but a sustentation."

The following anecdote mentioned by Bacon, in his observations upon Alexander, seems to be another manifestation of this species of sensibility:—For matter of policy, weigh that significant distinction, so much in all ages embraced, that he made between his two friends, Hephæstion and Craterus, when he said, "That the one loved Alexander, and the other loved the king:" describing the principal difference of princes' best servants, that some in affection love their person, and others in duty love their crown.

3 V. *Life, p.* lv.

The following is the title from a copy published in 1603: *An Apology of the Earl of Essex against those which Jealously and Maliciously tax him to be the Hinderer of the Peace and Quiet of his Country. Penned by himself in anno* 1598. *Imprinted at London by Rich. Bradocke*, 1603.

The Tract thus opens: "He that either thinketh he hath or wisheth to have an excellent face, no sooner is told of any spot or uncomeliness in his countenance than he hyes to shew himself to a glass, that the glass may shew again his true likeness unto him; the same curiosity moves me, that desires to have a fair minde, to shew the true face and state of my mind to my true friend; that he like a true glass without injury or flattery may tell me whether nature or accident have set so foul a blemish in it as my accusers pretend.

"I am charged that either in affection or opinion or both, I prefer war before peace, and so consequently that all my counsels, actions, and endeavours, doe tend to keep the state of England in continual wars, especially at this time when some say peace may be had and I only impugn it. But both my heart disclaims from so barbarous an affection, and my judgment from so absurd an opinion. The reputation of a most faithful subject and zealous patriot (which with hazard of my life, and decay of my estate, I have sought to purchase) must not suffer this ugly and odious aspersion, that my actions have caused, maintained, or increased the wars, or had ever any such scope or intent.

"First, for my affection in nature it was indifferent to books and to arms, and was more inflamed with the love of knowledge than with the love of fame; witness my contemplative retiredness in Wales, and my bookishness from my very childhood. And now if time, reason, or experience, have taught me to wish that to myself which is best for myself, what should I not wish rather than martial employment, in which I have impaired my state, lost my dear and only brother, the half arch of my house, buried many of my dearest and nearest friends, and subjected myself to the rage of seas, violence, general plagues, famine, and all kinds of wants, discontentment of undisciplined and unruly multitudes, and acceptation of all events. And as my affection neither in truth is, nor, if I regard myself, in reason ought to be set on these courses of the wars: so in judgment I have ever thought wars the disease and sickness; and peace, the true, natural, and healthful temper, of all states."

3 W. *Life, p.* lviii.

The motive for this proceeding is thus stated in the opening of the case against him. "Few days after my lord was removed to further liberty in his own house, her majesty hoping that these bruits and malicious imputations would of themselves wax old and vanish: but finding it otherwise in proof, upon taste taken by some intermission of time, and especially beholding the humour of the time in a letter presumed to be written to her majesty herself by a lady, to whom, though nearest in blood to my lord, it appertained little to intermeddle in matters of this nature, otherwise than in course of humility to have solicited her grace and mercy; in which letter, in a certain violent and mineral spirit of bitterness, remonstrance and representation is made to her majesty, as if my lord suffered under passion and faction, and not under justice mixed with mercy; which letter, though written to her sacred majesty, and therefore unfit to pass in

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vulgar hands, yet was first divulged by copies every where, that being, as it seemeth, the newest and finest form of libelling, and since committed to the press: her majesty in her wisdom seeing manifestly these rumours thus nourished had got too great a head to be repressed without some hearing of the cause, and calling my lord to answer."

3 X. *Life*, *p.* lviii.

The following is from the Lord's Charge in opening the cause. "And yet on the other side, being still informed touching my lord himself of his continuance of penitence and submission, did in conclusion resolve to use justice, but with the edge and point taken off and rebated; for whereas nothing leaveth that teint upon honour, which in a person of my lord's condition is hardliest repaired, in question of justice, as to be called to the ordinary and open place of offenders and criminals, her majesty had ordered that the hearing should be *intra domesticos parietes*, and not *luce forensi*. And whereas again in the Star-chamber there be certain formalities not fit in regard of example to be dispensed with, which would strike deeper both into my lord's fortune and reputation; as the fine which is incident to a sentence there given, and the imprisonment of the Tower, which in case of contempts that touch the point of estate doth likewise follow; her majesty turning this course had directed that the matters should receive, before a great honorable and selected council, a full and deliberate, and yet in respect a private, mild, and gracious hearing."

3 Y. *Life*, *p.* lix.

Bacon's account of the whole proceeding is as follows: "And then did some principal counsellers send for us of the learned counsel, and notify her majesty's pleasure unto us, save that it was said to me openly by one of them, that her majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that I heard is raised of me, how I was a suitor to be used against my Lord of Essex at that time: for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distaste and distrust, incrossing her disposition, by standing steadfastly for my Lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliment, signifying to her majesty, that if she would be pleased to spare me in my Lord of Essex's cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her majesty to think that I knew the degrees of duties, and that not particular obligation whatsoever to any subject could supplant or weaken that entiredness of duty that I did owe and bear to her and her service; and this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a further reach in it; for I judged that day's work would be a full period of any bitterness or harshness between the Queen and my lord, and therefore if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service."—Bacon's Apology, vol. vi. 266.

3 Z. *Life*, *p.* lx.

The following is the whole of that passage. "There is formed in every thing a double nature of good, the one as every thing is a total or substantive in itself, the other as it is a part or member of a greater body; whereof the latter is in degree the greater and the worthier, because it tendeth to the conservation of a more general form: therefore we see the iron in particular sympathy moveth to the loadstone, but yet if it exceed a certain quantity, it forsaketh the affection to the loadstone, and like a good patriot moveth to the earth, which is the region and country of massy bodies; so may we go forward and see that water and

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massy bodies move to the centre of the earth, but rather than to suffer a divulsion in the continuance of nature they will move upwards from the centre of the earth, forsaking their duty to the earth in regard of their duty to the world. This double nature of good and the comparative thereof is much more engraven upon man, if he degenerate not, unto whom the conservation of duty to the public ought to be much more precious than the conservation of life and being; according to that memorable speech of Pompeius Magnus, when being in commission of purveyance for a famine at Rome, and being dissuaded with great vehemency and instance by his friends about him, that he should not hazard himself to sea in an extremity of weather, he said only to them, *Necesse est ut eam, non ut vivam.*"

4 A. *Life, p.* lxii.

As a patron he considered preferment a sacred trust for the encouragement of merit. *Power to do good is, he says, the true and lawful end of aspiring, for good thoughts though God accept them, are little better than good dreams except they be put in act.* "Detur digniori" was therefore his favourite maxim. "Qui beneficium digno dat, omnes obligat." And in this spirit, upon sending to Buckingham his patent for creating him a viscount, he says, "I recommend unto you principally, that which I think was never done since I was born; and that which because it was not done, hath bred almost a wilderness and solitude in the King's service; which is that you countenance and encourage and advance able men in all kinds, degrees, and professions. For in the time of the Cecils, the father and the son, able men were by design and of purpose suppressed: and though of late, choice goeth better, both in church and commonwealth, yet money and serving, and cunning canvasses, and importunity prevaileth too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise because they are yours."

And within a few weeks after he was appointed Lord Keeper, he thus wrote to a Clergyman of Trinity College.

"After my hearty commendations, I, having heard of you as a man well deserving and of able gifts to become profitable in the church; and there being fallen within my gift the Rectory of Frome St. Quintin, with the Chapel of Evershot in Dorsetshire, which seems to be a thing of good value, 18*l.* in the King's books and in a good county, I have thought good to make offer of it to you; the rather for that you are of Trinity College, whereof myself was some time. And my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From your loving Friend, FR. BACON, C. S.

From Dorset House, 23rd April, 1617.

To Mr. Massey, Fellow of Trinity College, Cambridge.

4 B. *Life, p.* lxii.

In his advancement of learning he has thus explained the custom of the ancients in hearing the opposite reasonings of the same powerful mind, which has occasionally existed and did exist, in the time of Elizabeth, in our Courts of Justice in England.

Strange as, from our habits, this may be considered, there is nothing new in the suggestion. When Alexander was feasting one night where Calisthenes was at the table, it was moved by some after supper, for entertainment sake, that Calisthenes, who was an eloquent man, might speak of some theme or purpose, at his own choice: which Calisthenes did; choosing the praise of the Macedonian nation for his discourse, and performing the same with so good manner as the hearers were much ravished: whereupon Alexander, nothing pleased, said, "It was easy to be eloquent upon so good a subject." "But," saith he, "turn your style, and let us hear what you can say against us:" which Calisthenes presently undertook, and did with that sting and life, that Alexander in-

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terrupted him, and said, "The goodness of the cause made him eloquent before, and despite made him eloquent again."

In the Harleian MSS. in the British Museum, it is stated as follows:—Elizabeth, Queen of England, was a princess most entirely beloved of the people, for during her government pure justice and mercy did overflow in all courts of judicature, which made her so famous, that upon any motion abroad from her palace, many thousands would crowd into the streets and highways, to congratulate her with their loyalty, and loud acclamations sent up to heaven for her majesty's long life, health, and prosperity. And in this peerless queen's reign it is reported that there was but one serjeant-at-law at the Common Pleas bar (called Serjeant Benlowes) who was ordered to plead both for the plaintiff and defendant, for which he was to take of each party ten groats only and no more; and to manifest his impartial dealing to both parties, he was therefore to wear a party-coloured gown, and to have a black cap on his head of impartial justice, and under it a white linen coif of innocence, but in the reign of King James serjeants were made in abundance, and a serjeant's place sold for 800*l.*; and in the late King Charles the First's reign, the preferment to be a serjeant grew to a higher rate, for it was then raised to 1500*l.* and thirteen made at one time, so strangely differing are the proceedings in law in these latter times to the former, that requires the use of many lawyers, and they to have unreasonable fees.

And I understand that, within the last twenty years, when there was but one barrister at the Ely Sessions (Mr. Hart), he used to argue on both sides.

This practice seems to have existed in all civilized countries, and countries approaching to civilization. In some travels in Africa, (Park's, if I mistake not) the author says, that the litigation is conducted, not by the parties themselves, but by persons called "palavers." Milton, in his history of Muscovy, two hundred years ago, vol. iv. 278, says, "They have no lawyers, but every man pleads his own cause, or else by bill or answer in writing delivers it with his own hands to the duke; yet justice, by corruption of inferior officers, is much perverted. Where other proof is wanting, they may try the matter by personal combat or by champion. If a debtor be poor, he becomes bondman to the duke, who lets out his labour till it pay the debt; till then he remains in bondage.

In the Edinburgh Review for February, 1822, upon the question whether a prisoner accused of felony ought to be heard by counsel?—the author says, "Whence comes it, that the method of getting at truth, which is so excellent on all common occasions, should be considered as so improper on the greatest of all occasions, where the life of a man is concerned? If an acre of land is to be lost or won, one man says all that can be said on one side of the question—another on the other; and the jury, aided by the impartiality of the judge, decide. The wit of man can devise no better method of disentangling difficulty, exposing falsehood, and detecting truth."

"Justice is found, experimentally, to be most effectually promoted by the opposite efforts of practised and ingenious men, presenting to the selection of an impartial judge, the best arguments for the establishment and explanation of truth. It becomes, then, under such an arrangement, the decided duty of an advocate to use all the arguments in his power to defend the cause he has adopted, and to leave the effect of those arguments to the judgment of others."—Sidney Smith.

Milton seems not to have been partial to the character of a lawyer. In his tract on education, vol. i. 276, he says, "Some, allured to the trade of law, grounding their purposes not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions, and flowing fees." Vol. ii. 56. "It is true an adulteress cannot be shamed enough by any public proceeding; but the woman whose honour is not appeached is less injured by a silent dismission, being otherwise not illiberally dealt with, than to endure a clamouring debate of utterless things, in a business of that civil secresy and difficult discerning, as not to be overmuch questioned by nearest friends; which

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drew that answer from the greatest and worthiest Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no visible reason? 'This shoe,' said he, and held it out on his foot, 'is a neat shoe, a new shoe, and yet none of you know where it wrings me;" much less by the unfamiliar cognizance of a feed gamester can such a private difference be examined, neither ought it.

The following extract is from Boswell's Life of Johnson, vol. ii. p. 162. I asked him whether, as a moralist, he did not think that the practice of the law, in some degree, hurt the fine feeling of honesty. *Johnson.* "Why no, Sir, if you act properly. You are not to deceive your clients with false representations of your opinion: you are not to tell lies to a judge." *Boswell.* "But what do you think of supporting a cause which you know to be bad." *Johnson.* "Sir, you do not know it to be good or bad till the judge determines it. I have said that you are to state facts fairly; so that your thinking, or what you call knowing, a cause to be bad, must be from reasoning, must be from your supposing your arguments to be weak and inconclusive. But, Sir, that is not enough. An argument which does not convince yourself, may convince the judge to whom you urge it; and, if it does convince him, why, then, Sir, you are wrong, and he is right. It is his business to judge; and, you are not to be confident in your opinion that a cause is bad, but to say all you can for your client, and then hear the judge's opinion." *Boswell.* "But, Sir, does not affecting a warmth when you have no warmth, and appearing to be clearly of one opinion, when you are in reality of another opinion, does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life, in the intercourse with his friends?" *Johnson.* "Why no, Sir. Every body knows you are paid for affecting warmth for your client; and it is, therefore, properly no dissimulation: the moment you come from the bar you resume your usual behaviour. Sir, a man will no more carry the artifice of the bar into the common intercourse of society, than a man who is paid for tumbling upon his hands will continue to tumble upon his hands when he should walk on his feet."

Lord Erskine, in his defence of Thomas Paine, says, I will for ever, at all hazards, assert the dignity, independence, and integrity of the English bar; without which impartial justice, the most valuable part of the English constitution, can have no existence. From the moment that any advocate can be permitted to say that he will or will not stand between the crown and the subject arraigned in the court where he daily sits to practise, from that moment the liberties of England are at an end.

If the advocate refuses to defend, from what he may think of the charge or of the defence, he assumes the character of the judge; nay, he assumes it before the hour of judgment; and, in proportion to his rank and reputation, puts the heavy influence of, perhaps, a mistaken opinion, into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very judge to be his counsel.

The following extract is from the life of Sir M. Hale, 143. If he saw a cause was unjust, he for a great while would not meddle further in it, but to give his advice that it was so. If the parties after that would go on, they were to seek another counsellor, for he would assist none in acts of injustice. If he found the cause doubtful or weak in point of law, he always advised his clients to agree their business. Yet afterwards he abated much of the scrupulosity he had about causes that appeared at first view unjust, upon this occasion. There were two causes brought to him, which by the ignorance of the party, or their attorney, were so ill represented to him, that they seemed to be very bad, but he, inquiring more narrowly into them, found they were really very good and just. So after this he slackened much of his former strictness, of refusing to meddle in causes upon the ill circumstances that appeared in them at first.

The administration of justice mainly depends upon the ability and the integrity of the bar. Who, in times when our liberties are threatened, when power is attempting to extend its influence; who but men of ability can be expected to resist these invasions? Is it to be expected that the herd who follow any body

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that whistles to them, or drives them to pasture, will have the honesty and courage upon such occasions to despise all personal considerations, and to think of no consequence but what may result to the public from the faithful discharge of their sacred trust? When Sir Matthew Hale, in the case of Lord Craven, pleaded so forcibly for his client, that in those miserable times, he was threatened by the then Attorney General, with the vengeance of the government, "I am pleading," he replied, "in defence of those laws which the parliament have declared they will maintain and preserve; I am doing my duty to my client, and I am not to be daunted." The hardminded and mistaken Jefferies, said to Mr. Wallop, on Baxter's trial, "I observe you are in all these dirty causes, and were it not for you gentlemen of the long robe, who should have more wit and honesty than to uphold these factious knaves by the chin, we should not be at the pass we are at." Similar language disgraced the bench on the trial of the seven bishops, but Mr. Hale and Mr. Somers were not likely to be deterred by such conduct from the discharge of their duties.

4 C. *Life, p.* lxx.

Accounts of this trial may be found in Bacon's works, in the Sydney Papers, in Camden, and in Morrison. Bacon's account will be found in vol. vi. of this edition, p. 276. The accounts from the Sydney Papers, from Camden, and from Morrison are annexed.

Account of the Trial from the Sydney Papers.

Row. Whyte, Esq. to Sir Rob. Sydney. S. L. Vol. ii. p. 199. Penshurst, Friday night, 6 June, 1600.

Yesterday my lord of Essex was at my Lord Keeper's before commissioners appointed to hear his cause, and to-morrow I go to court, and will learn what I can of it, and advertise your lordship.

Row. Whyte, Esq. to Sir Rob. Sydney. S. L. Vol. ii. p. 199. Court in hast, Saturday, 7 June, 1600.

I am now newly come to court, where I hear how the matter passed upon Thursday, with my lord of Essex before the lords and other commissioners. The Attorney General, Serjeant Yelverton, her majesty's Solicitor, and Mr. Bacon, all of her highnes learned counsel, laid open his offences and contempts, during which time the earle himself kneeled at bord's end, and had a bundle of papers in his own hand, which sometimes he laid in his hat that was upon the ground by him. The effect of their speeches contained his making of my lord Southampton general of the horse, contrary to her majesty's pleasure; his making of knights; his going into Munster, contrary to his instructions; his return, being expressly commanded by her majesty's own letter to stay: all which points were by her majesty's learned counsel very gravely and sharply touched and propounded against him. His speech was very discreet, mild, and gentle, acknowledging that he had grievously offended her majesty in all these things objected against him, but with no malicious intent; and that if it would please their honors to give him leave, he would declare unto them the blind guides that led him to those errors, which in his opinion would have furthered her majesty's service. But then began my Lord Keeper, upon the reasons argued by her majesty's learned counsel, to deliver his opinion; that his contempts deserved to be imprisoned in the Towre, to be fined as deeply as ever subject was, to have his offices of counsellor, earl marshall, and master of the ordnance sequestered from him. My Lord Treasurer left out the Towre; my Lord Admiral the fine. Mr. Secretary made a wise grave speech of these contempts of his towards her majesty; all the rest spoke, condemning him greatly for contemptuously offending so gracious a sovereign; and it was concluded that he should return from the place he came, till her majesty's further pleasure were known. The poor earl then besought their honors to be a mean unto her majesty for grace and pardon; seeing there appeared in his offences no disloyalty towards her

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highness, but ignorance and indiscretion in himself. I bear it was a most pitiful and lamentable sight, to see him that was the mignion of fortune, now unworthy of the least honor he had of many; many that were present burst out in tears at his fall to such misery.

Row. Whyte, Esq. to Sir Rob. Sydney. S. L. Vol. ii. p. 200. Baynard's Castle, Wednesday, 11 June, 1600.

I heard since about the Earl of Essex, that the Attorney General in his speech would have proved wilful and malicious contempts to have been disloyalty in him, and brought forth these words: Regina vidit, consul vidit, senatus vidit, hic tamen vivit. To this his lordship answered, that he was forced to alter his purpose of coming to that place, which was not to justify himself, but to acknowledge his transgressions, being by his own opinion and persuasion of others, misled to commit these errors. But now his honor and loyalty was called in question, he should do God great wrong and his own conscience; and if I do not justify myself an honest man (taking his George, and putting it with his hand towards his heart), this hand shall pull out this heart when any disloyal thought shall enter into it. But the lords interrupted his speech, clearing him generally of that, and proceeded to their censure, by the way of opinion only, to those matters objected by the Queen's learned counsel against him. Something he said to all these, but no way to justify himself, and with all humble submissiveness besought her majesty's mercy. The lords did all admire at his discretion and carriage, who never was moved at any speech was spoken against him, but with patience heard all was said; sometimes kneeling, one while standing, another while leaning at a cupboard, and at last he had a stool given him; but never offered to leave kneeling, till the Lord Archbishop of Canterbury desired he might stand, and then that he might leane, and lastly, that he might sit. For they began at nine in the morning, and it continued till eight at night, without removing. The lords did in a sort give him this comfort, that her majesty would be gracious unto him; in the meantime all his offices are sequestered from him. The master of the horse was not mentioned, because it was not by patent, and a deputy by the Queen appointed, which is my lord of Worcester, till his return to court; so that if he come not again, then is he still to execute it as he doth. The judges made his contempts very heinous by the laws of the land, and by examples, and by the civil law criminal. The poor earl continues still with a keeper at his own house until her majesty's pleasure be further known, who, as it seems, is not resolved what she will do with him. Her majesty is very much quieted and satisfied to see, that the lords of her council, her nobility, and the grave judges of her land, do hold him worthy of far more punishment than hath been inflicted against him. Some think his keeper shall be removed this week, and that he shall have the liberty of his houses in London and Barnelmes, and that he shall have his friends come to him; there are others that do believe that he shall continue as he doth some time longer.

Camden's Account of the Trial.

But whereas the vulgar sort spread abroad his innocency every where, it seemed good to the Queen, for removing of all suspicion of too much severity, injustice, and prejudice from herself and her counsel, that his case should be plainly heard (not in the Star Chamber, lest he should be heavily fined, but) in the Lord Keeper's house, before the Queen's councell, four earls, two barons, and four judges, and that, as it were, a certain censorious animadversion should be used, yet without any note of perfidiousness. The chief heads of the accusation against him were these: that contrary to that he had in charge, he had made the Earl of Southampton general of the horse; that he had bestowed the dignity of knighthood upon many; that he had drawn his forces into Munster, neglecting Tir-Oen, the archrebel; that he had conference with him not beseeming the Queen's majesty, nor the dignity of a lord deputy; and which was the more suspect, because it was in secret. All these points the Queen's learned councell had highly aggravated, producing out of his letters, written

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above two years before (whereof copies were lately dispersed by his followers), these short abrupt sentences: "No tempest is more furious than the indignation of an impotent prince; the Queen's heart is hardened. Cannot princes err? Can they not wrong their subjects? What I owe as a subject I know well, and what as earl marshal of England." From hence they argued, as if he esteemed the Queen for an impotent princess, and voyd of reason; compared her to Pharaoh, whose heart was hardened, that she cared no longer for truth and justice; and as if he besides his fidelity, ought neither obedience nor thankfulness. Some points also of lesser moment they objected unto him out of a book of the deposing of Richard the Second, dedicated unto him. He kneeling at the table, upon one knee, thanked Almighty God for all his benefits, and his most gracious princess, which would not have his cause to be heard publickly in the Star Chamber, but commanded that cup to pass (for these were his words), and him to be censured within a private house. He professed therefore that he would not contest with her, nor in the whole, or in part, excuse the errors of his young inconsiderate years, and of his weakness. He protested that he had most sincerely kept his allegiance, and had not had so much as a thought not to obey, and that he would ever be obedient. Briefly, that in all things his meaning was good, howsoever it fell out otherwise, and that now he would bid the world farewell. And withal he shed plenty of tears; the standers by also wept with him for joy, out of the great hope they had of him. Yet could he not contain himself, but begun to make excuse, that he had made Southampton general of the horse out of a credulous error that the Queen would admit the reasons which he yielded; but they being rejected, he presently displaced him. That he had bestowed the dignity of knighthood upon many, that he might retain the gentlemen volunteers about him. That he had undertaken the war in Munster, by the inconsiderate advice of the councel of Ireland. That Ormond, the principal of them, rued the same, by the loss of his sight, and Sir Warham St. Leger, by a cruel death. As he was going forward, the Lord Keeper stayed him, and put him in mind to go forward as he had first begun, and to fly to the Queen's mercy, who would not have him charged with perfidiousness, but with contempt and disobedience; and not to pretend obedience in words which in deeds he had little performed. For by extenuating his offences he might seem to extenuate the Queen's clemency. That it was absurd to shadow open disobedience with the will to obey. What every one said it is needless to repeat, seeing they were in a manner the same which were either before spoken, or after to be spoken, in the Star Chamber. In conclusion, the Lord Keeper pronounced that he should be removed from the place of a counsellor, suspended from his offices of earl marshal and master of the ordnance, and detained in custody during the Queen's pleasure. These censures the rest approved by their voices, and many conceived good hope that he should ere long be received again into favor; forasmuch as the Queen had expressly commanded that he should not be suspended from his mastership of the horse (as if she would use his service again), and that this censure should by no means remain upon record.

Morrison's Account of the Trial.

Give me leave to digresse a little, to one of the fatall periods of Robert, the noble Earle of Essex his tragedy (and the last but one, which was his death), whereof the following relation was sent into Ireland. The fifth of June there assembled at Yorke-house in London, about the hearing of my Lord of Essex his cause, eighteene commissioners, viz. my Lord of Canterburie, Lord Keeper, Lord Treasurer, Lord Admirall, Lords of Worcester, Shrewsbury, Cumberland, Huntington, Darby, and Zouch, Mast. Comptroller, Master Secretarie, Sir Thon Fortescu, Lord Popham, Chiefe Justice, Lord Anderson, Chiefe Justice of the Common Pleas, Lord Perian, Chiefe Baron of the Exchequer, Justices Gandy and Walmesley. They sate from eight of the clock in the morning, till very neere nine at night, all at a long table in chaires. At the earles comming in none of the commissioners stirred cap, or gave any signe of curtesie. He kneeled at the vpper end of the table, and a good while without a cushion. At length my Lord of Canterbury moved my Lord Treasurer, and they jointly my

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Lord Keeper and Lord Admirall, that sat over against them, then was he permitted a cushion, yet still was suffered to kneele, till the Queen's serjeants speech was ended, when by the consent of the lords, he was permitted to stand vp, and after, vpon my lord of Canterburies motion, to have a stoole.

The manner of proceeding was this. My Lord Keeper first delivered the cause of the assembly, and then willed the Queenes counsaile at law, viz. Sergeant, Attorney, Solicitor, and Master Bacon, to informe against him. The Sergeant began, and his speech was not long, onely a preface as it were to the accusations. The summe of it was, to declare the Queene's princely care and provision for the warres of Ireland, and also her gratious dealing with the earle before he went, in discharging ten thousand pound of his debts, and giving him almost so much more, to buy him horses, and provide himself, and especially in her proceedings in this cause, when, as after so great occasion of offence as the consumption of a royall army, fruitlesse wasting thirty hundred thousand li. treasure, contempt, and disobedience to her expresse commandement, she notwithstanding was content to be so mercifull towards him, as not to proceede against him in any of her courts of justice, but only in this priuate sort, by way of mercy and favour. After him the Attorney began, whose speech contained the body and substance of the accusation, it was very sharp and stinging; for besides the many faults of contempt and disobedience wherewith hee charged him, he did also shrewdly inferre a dangerous disposition and purpose, which was by many rhetoricall amplifications, aggravated to the full; he divided his speech into three parts, Quomodo ingressus, quomodo progressus, quomodo regressus; in the ingresse, hee observed how large a commission he stood upon, such a one as never any man had the like before, namely, that he might haue authoritie to pardon all traytors of himselfe, yea, to pardon treason committed against her maiesties owne person, and that he might mannage the warres by himself, without being tied to the advice of the counsell of Ireland, which clause hee said was granted, that he might at first proceede in the northerne iourney, which the counsell of Ireland (whose lands and livings lay in the south), might perhaps hinder, and labor to divert him, to the safeguard of themselves. In the other two parts of his speech were contained five speciall crimes, wherewith the earle was charged, viz. His making the Earle of Southampton generall of the horse. 2. His going to Leinster and Mounster, when he should have gone to Vlster. 3. His making so many knights. 4. His conference with Tyrone. 5. His returne out of Ireland, contrary to her majesties command. These all saving the fourth, were recited by the lords in their censures, as the crimes for which he was censured by them. The first was amplified, for that he did it contrary to her majesties mind, plainely signified unto him in England, that hee increased that offence, by continuing him in that office stil, when her majesty by letters had expressely commanded him to displace him; and thirdly, for that he wrote a very bold presumptuous letter to her majesty, in excuse of that offence, which letter was afterwards read. The second point of his southerne journy was agravated, in that it was made contrary to her majesties advised resolution, agreed upon by her counsel, and approved by her martial men, as the only means to reduce Ireland, and contrary to the earles own project, yea, and that without the advice of the counsel of Ireland also, as appeared by a letter of theirs under their hands, though now the earle pretended their advice for his own excuse, whereupon followed the harrowing out, and the weakning of the royallest army that ever went out of England, the wasting of that huge expence, and the overthrow of the whole action. The third point, viz. the making of knights, was urged to have beene contrary to her maiesties expresse commandement, a question being once made whether he should have that authoritie or no, because he had abused it before; yet the same being at the last granted, with this limitation given him in charge, that he should make but few, and those men of good ability, whereas he made to the number of threscore, and those some of his meniall servants, yea, and that in a most unseasonable time, when things were at the worst, which should have been done upon victorie and triumph onely. The fourth point, namely, his conference with the rebell, was agravated, in that it was an equall and secret conference,

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dishonourable to her majestie, for him that sustained her royall person, to conferre in equall sort with the basest and vilest traytor that ever lived, a bush kerne, and base sonne of a blacksmith; suspicious also, in that it was private and secret, no man suffered to approach, but especially no Englishman; the end of the conference most shamefull, that the wretched traytor should prescribe conditions to his soveraigne: abominable and odious conditions, a publike tolleration of idolatrous religion, pardon for himselfe, and all the traytors in Ireland, and full restitution of lands and possessions to all the sort of them. It was added, that before this parley, a messenger went secretly from the earles campe to the traytor, viz. Captaine Thomas Leigh, if not sent by the earle, at least by his connivency, at least by the connivencie of the marshall, whom the earle did not punish. Lastly, the fifth point was urged to be intollerably presumptuous, contrary to her maiesties expresse commandement in writing, under the seale of her privy signet, charging him upon his dutie not to return until he heard further from her; that this his returne was also exceeding dangerous, in that he left the army divided unto two divers men, the Earle of Ormond and the Lord Chancellor, men whom himselfe had excepted against, as unfit for such a trust, and that he so left this army, as that if God his providence had not been the greater, the ruine and losse of the whole kingdome had ensued thereupon. This was the summe of the accusation, every part interlaced with most sharpe and bitter rhetoricall amplifications, which I touch not, nor am fit to write, but the conclusion was (whereby a taste of the same may be had) that the ingresse was proud and ambitious, the progresse disobedient and contemptuous, the regresse notòrious and dangerous. Among other things, the Lady Rich her letter to the Queene was pressed with very bitter and hard termes: my Lady Rich her letter he termed an insolent, saucy, malipert action. He proposed also in the end a president for the earles punishment (saying, he was faine to seeke farre for one gentle enough): one William of Britten, Earle of Richmond, who refusing to come home out of France upon the king's letter, was adjudged to loose all his goods, lands, and chattels, and to indure perpetuall imprisonment. Master Attorney particularly said the following words, whereas the earle in his letter exclameth O tempora, O mores! (for so I thinke he construed these words of his, O hard destiny of mine, that I cannot serve the Queene and please her too.) Let me also say with the orator concerning him; Hæc regina intelligit, hæc senatus videt, hic tamen vivit. In the end of his speech, Now (saith he) nothing remaineth but that wee inquire quo animo; all this was done. Before my lord went into Ireland, he vaunted and boasted that hee would fight with none but the traytor himselfe, he would pull him by the eares out of his den, hee would make the earle tremble under him, &c. But when he came thither, then no such matter, hee goes another way; it appeareth plainely he meant nothing lesse than to fight with Tyrone. This was the effect of Master Attorney's part. Master Solliciter his speech followed, which contained the unhappy successe, which ensued in Ireland after the earles departure, whereby appeared how little good the earle had done, in that the traitor was growne much more confident, more insolent, and stronger than ever he was before, as appeared principally by his declaration, which he hath given out since the earles departure, vaunting that he is the upholder of the Catholike faith and religion; that whereas it was given out by some that he would follow the Earle of Essex into England, hee would perhaps shortly appeare in England, little to Englands good: many things he added to that purpose.

After him Sir Francis Bacon concluded the accusation with a very eloquent speech. First, by way of preface, signifying, that he hoped both the earle himselfe, and all that heard him, would consider that the particular bond of duty, which he then did and ever would acknowledge to owe unto the earle, was now to be sequestred, and laied aside. Then did he notably extoll her maiesties singular grace and mercy, whereof he said the earle was a singular work, in that upon his humble sute, shee was content not to prosecute him in her court of justice, the Starre-chamber, but according to his owne earnest desire, to remove that cup from him (those, he said, were the earles own words in his letter), and now to suffer his cause to be heard, Inter privatos parietes, by way of mercy and

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favour onely, where no manner of disloyalty was laide to his charge, for (quoth he) if that had beene the question, this had not beene the place. Afterwards passing along most eloquently through the earles iourney into Ireland, hee came to charge him with two points not spoken of before. The first was a letter written by the earle unto my Lord Keeper, very boldly and presumptuously, in derogation to her maiesty, which letter he also said was published by the earles own friends. The points of the letter which he stood upon were these: No tempest to the passionate indignation of a prince; as if her maiesty were devoid of reason, carried away with passion (the onely thing that ioineth man and beast together): her maiesties heart is obdurate, he would not say that the earle meant to compare her absolutely to Pharaoh, but in this particular onely, which must needs be very odious. Cannot princes erre? cannot subjects suffer wrong? as if her maiesty had lost her vertues of judgement, justice, &c. Farre be it from me (quoth he) to attribute divine properties to mortal princes, yet this I must truly say, that by the common law of England, a prince can doe no wrong. The last point of that letter was a distinction of the duty a subject oweth to his prince, that the duty of allegiance is the onely indissolueble duty, what then (quoth he) is the duty of gratitude? what the duty of obedience, &c. The second point of Master Bacon's accusation was, that a certaine dangerous seditious pamphlet was of late put forth into print, concerning the first yeeres of the raigne of Henry the Fourth, but indeed the end of Richard the Second, and who thought fit to be patron of that booke, but my lord of Essex, who after the booke had beene out a weeke, wrote a cold formall letter to my lord of Canterbury, to call it in againe, knowing belike that forbidden things are most sought after: this was the effect of his speech. The speciall points of the whole accusation were afterwards proved by the earles owne letters, by some of her maiesties letters, and the counsels, and by the letter of the Earle of Ormond and others of the counsell of Ireland, openly red by the clerke of the counsell.

The accusation ended, the earle kneeling, beganne to speake for himselfe, in effect thus much: That ever since it pleased her gracious maiestie to remove that cup from him (which he acknowledged to have been at his humble sute), and to change the course of proceeding against him, which was intended in the Starre-chamber; he laied aside all thought of justifying himselfe in any of his actions, and that therefore he had now resolved with himselfe never to make any contestation with his soveraigne: that he had made a divorce betwixt himselfe and the world, if God and his soveraigne would give him leave to hold it; that the inward sorrow and afflictions which he had laied upon his soule privately, betwixt God and his conscience, for the great offence against her majesty, was more then any outward crosse or affliction that could possibly befall him. That he would never excuse himselfe, neither a toto nor a tanto, from whatsoever crimes of errour, negligence, or inconsiderate rashnes, which his youth, folly, or manifold infirmities might leade him into, onely he must ever professe a loyall faithfull unspotted heart, unfained affection and desire, ever to doe her majesty the best service he could, which rather than he would lose, he would, if christianity and charity did permit, first teare his heart out of his breast with his owne hands. But this alwaies preserved untouched, he was most willing to confesse and acknowledge whatsoever errours and faults it pleased her maiesty to impute vnto him. The first part of his speech drew plenty of teares from the eyes of many of the hearers; for it was uttered with great passion, and the words excellently ordered, and it might plainly appeare that he had intended to speake no more for himselfe. But being touched (as it seemed) with the oversharpe speeches of his accusers, he humbly craved of their lordships, that whereas he had perceived many rhetoricall inferences and insinuations given out by his accusers, which might argue a disloyall, malicious, wicked, and corrupt affection in him, they would give him leave, not in any sort to excuse himself, but only by way of explanation, to lay downe unto them those false guides which had deceived him, and led him into all his errours, and so he entered into a kind of answering Master Atturnies speech, from point to point in order, alleaging, for the point of his large commission for pardoning treason against her maiesties person, that it was a thing he had learned of Master

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Attourney himselfe, onely to meete with the rebels curiosity, which had an opinion, that all treason in Ireland might be interpreted treason against her maiesties person, and therefore would trust no pardon without that clause. That in making the Earle of Southampton generall of the horse, the deceiveable guide which misled him, was an opinion that her majesty might have been satisfied with those reasons which moved him, as also with those reasons which he had alleaged in his letters, for continuance of him in the place, but that after he perceived her maiesties mind plainely in her second letter, he displaced him the next day. For his journey into Mounster, hee alleaged divers things, principally that the time of the yeere would not serve for an Vlster journey, and then the advice of the counsel there, which he protested to alleage not to excuse himselfe, but rather to accuse his owne errours, and the errours of the counsellors in Ireland: and whereas some of them to excuse themselves, and charge him the deeper, had now written the contrary to the counsell: he protested deepely that therein they had dealt most falsely, and it seemeth (saith he) that God his just revenge hath overtaken two of them already, the Earle of Ormond by blindnesse, and Sir William St. Leger, by violent death. For his making of knights, he alleaged the necessity and straights he was driven unto, that being the onely way he had to retaine the voluntaries, the strength and pride of the army; that he made but two of his servants, and those men of speciall desert and good ability: that he thought his service ought not to be any barre against them, for the receiving the reward of their deserts. But before he had thus waded through halfe his answer, my Lord Keeper interrupted him, and told him, that this was not the course that was like to doe him good; that he beganne very well in submitting himselfe unto her maiesties mercy and pardon, which he, with the rest of the lords, were glad to heare; and no doubt but her princely and gracious nature was by that way most like to be inclined to him: that all extenuating of his offence was but the extenuating of her maiesties mercy in pardoning: that he, with all the rest of the lords, would cleere him of all suspition of disloyalty; and therefore he might doe well to spare the rest of his speech, and save time, and commit himselfe to her maiesties mercy. And when the earle replied, that it might appeare by that hedge which he diligently put to all his answers, that he spake nothing but only to cleere himselfe from a malicious corrupt affection. My Lord Keeper told him againe, that if thereby he meant the crime of disloyalty, it was that which he needed not to feare; he was not charged with it, as the place and course taken against him might warrant; all that was now laied unto him was contempt and disobedience. And if he intended to persuade them, that he had disobeyed indeed, but not with a purpose of disobeying, that were frivolous and absurd. Then my Lord Treasurer beganne to speake, and cleering the earle from suspition of disloyalty, did very soundly controll diuers of his other excuses. After him Master Secretary, making a preface why he spake before his turne, by reason of his place, tooke the matter in hand, and first notably cleering the earle from all suspition of disloyalty, which he protested he did from his conscience, and afterwards often iterated the same, and preserved it unto him entire, he spake singularly for the justifying of her majesty's special care and wisdom for the warres in Ireland, in providing whatsoever could be demanded by the earle for that service before his going out; with supplying him afterwards with whatsoever hee could aske, so it were possible to bee given him: in prescribing that course, which had it beene followed, was the onely way to have reduced that realme, and which being forsaken, was the onely ruine and losse of that royall army. And as for all those excuses which the earle alleaged for himselfe, hee cleerely cut them off, shewing that his excuse of following the counsell of Irelands advice, was nothing, his commission being so large, that he was not bound to follow them; and if he had beene, yet were they a counsell at his command; he might force them to say what he list: his own letters which he alleaged, might be provisionary, written of purpose then to excuse him now. To be short, he greatly justified her maiesties wisdome, in managing that whole action, as much as lay in her, and laid the whole fault of the bad successe in Ireland upon the earles ominous iourney (so he called it) into Mounster. And thus, in the be-

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halfe of her majesty, he fully satisfied the auditors. Master Secretary gave the earle his right alwaies, and shewed more curtesie than any; yet, saied he, the earle in all his iourney did nothing else but make (as it were) circles of errours, which were all bound up in the unhappy knot of his disobedient returne. Also he gave the earle free liberty to interrupt him at any time in his speech. But the earle being contented with the opinion of loyalty so cleerely reserved unto him, was most willing to beare the whole burthen of all the rest of the accusation, and therefore never used any further reply; onely by reason of a question or two, that were moved by my Lord of Canterbury and my Lord Admirall: some little speech there was to and fro. My Lord of Canterburies question was concerning the conditions of yeelding unto Tyrone in tolleration of religion; the earle heartily thanked him for moving that doubt, and then protested, that it was a thing mentioned in deed, but never yeelded unto by him, nor yet stood upon by the traitor, to whom the earl had said plainely, Hang thee up, thou carest for religion as much as my horse. Master Secretary also cleered the earle in that respect, that he never yeelded to Tyrone in that foule condition, though by reason of Tyrones vaunting afterwards, it might have some shew of probability. By reason of my Lord Admirals question, the earle spake somewhat of his returne, that he did it upon a false ground of hope, that her majesty might pardon him, as shee did the Earle of Leicester in the like case, who returned out of the Low Countries, contrary to her majesties expresse letter. This I thought with myselfe (quoth the earle) if Leicester were pardoned, whose end was onely to saue himselfe, why might not Essex be pardoned, whose end was to save a kingdome. But Master Secretary replied, that upon his knowledge there never passed any letter from her majesty, to forbid the Earle of Leicester's returne.

Judge Walmesley his speech was more blunt then bitter: Prisoners at our barres (saith he) are more gracelesse, they will not confesse their faults. Againe, he compared my lord his comming home, and leaving the army there, to a shepheard that left his flocke to the keeping of his dogge.

In conclusion, the earle protested, that all he sought for was the opinion of a true and a loyall subject, which might appeare by the speech wherewith he hedged in all his answeres, namely, that he intended onely to shew those false guides which misled him, whether they were his owne errours, or the errours of his counsillors, whom he followed, that he yeelded himselfe wholly to her maiesties mercy and favour, and was ready to offer up his poor carkasse unto her, he would not say to doe (for alasse he had no faculties), but to suffer whatsoever her majesty should inflict upon him, and so requested them all to make a just, honourable, and fauourable report of his disordered speeches, which had fallen from him in such sort, as his aking head and body weakened with sicknesse, would give him leave. This done, they proceeded to the censure.

My Lord Keeper beganne with a good, powerfull, and eloquent speech. That by justice and clemency the throne is established; as for mercy, her majesty had reserved it to herselfe; but for the satisfying of her justice, shee had appointed them to enquire into the cause. That they were to enquire onely of those faults of contempts and disobedience laid unto the earle, and to censure him accordingly, and for her mercy they had nothing to do with it; onely God was to worke it in her princely breast. In examining the earles faults, he laid these for his grounds: that the two grounds and foundations of the princes scepter and estate, are the reputation of a diligent and carefull providence for the preservation of her estate and countries, and the obedience of her subiects; and he that should take either of these from her, should take from her the crowne and scepter. For the first, he notably shewed at large, how her maiesty had deserved it in the whole course of the Irish warres; for obedience, he shewed the nature of it, consisting in precisely following the streight line of the princes commandement, and upon that straine he amplified to the uttermost all the earles contempts and disobediences, that her maiesties great mercy might appeare the more cleerly. Among the rest, (for he went through them all in order) he answered thus to the pretence of Leicesters president for excuse of the earles returne. In good things the example is better then the imitation of another; he that doth wel of his owne head, doth best, and he that doth wel by imitation,

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doth commendably in a lesse degree; but in bad things the proportion is otherwise, the example being naught, the imitation is worse: therefore if my Lord of Leicester did evill, in comming over contrary to the Queenes commandement, my Lord of Essex did worse in imitating my Lord of Leicester, and is so much the more to be punished for it. In the end he came to the censure, which was this. If, quoth he, this cause had beene heard in the Starre-chamber, my sentence must have been so great a fine as ever was set upon any man's head in that court, and perpetuall imprisonment in that place which belongeth to a man of his quality, that is the Tower; but now that we are in another place, and in a course of favour, my censure is, that he is not to execute the office of a counsellor, nor to holde himselfe for a counsellor of estate, nor to execute the office of earle marshall of England, nor of the master of the ordinance, and to returne to his owne house, there to continue a prisoner as before, till it shall please her majesty to release both this and all the rest.

After my Lord Keeper all the rest in order gave their censures (amplifying her majesties clemency and the earles offences), according to the manner in the Starre-chamber; but all accorded to this censure, (for so they called it, and not a sentence), Master Secretary said, my censure is, that the earle deserveth, &c. The greater part of the day was spent in the lords censures, who were many of them very long, onely the noble men (not counsellors) were short.

The Earle of Worcester cited these two verses;

> Scilicet a superis etiam fortuna luenda est,
> Nec veniant, læso numine, casus habet.
>
> Even for our fortune gods may cast us downe,
> Neither can chance excuse, if a god frowne.

The Earle of Cumberland said, if he thought that censure should stand, he would crave longer time, for it seemed unto hime somewhat hard and heavy, intimating how easily a generall commander might incurre the like; but (quoth hee) in confidence of her maiesties mercy, I agree with the rest.

The Lord Zouch would give no other censure, but that which he thought the earle would lay upon himselfe, that was, that he would restraine himselfe from executing his offices, &c. and keepe himselfe in his house, till her majesty shall release all.

They all seemed by their speeches to conceive a sure hope of her majesties releasing this censure, and the earl was reasonably chearefull, onely his body seemed weake and distempered with sicknesse, and now and then he shewed most manifest tokens of sorrow for his offence to her maiesty, by teares in his eyes (specially in the first part of his owne speech, and when my Lord Keeper spake).

[Fynes Moryson's Itinerary, fol. Lond. 1617. Part II. Ireland, anno 1600. pp. 68—74.

4 D. *Life*, *p.* lxxviii.

A Letter to the Earl of Essex, in offer of his service when he was first enlarged to Essex House.

My Lord,—No man can expound my doings better than your lordship, which makes me need to say the less; only I humbly pray you to believe, that I aspire to the conscience and commendation of *bonus civis*, and *bonus vir*; and that though I love some things better, I confess, than I love your lordship, yet I love few persons better; both for gratitude's sake, and for your virtues, which cannot hurt but by accident, of which my good affection it may please your lordship to assure yourself, and of all the true effect and offices I can yield. For as I was ever sorry your lordship should fly with waxen wings, doubting Icarus's fortune, so for the growing up of your own feathers, be they ostriches or other kind, no man shall be more glad. And this is the axletree whereon I have turned and shall turn. Which having already signified to you by some near mean, having

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so fit a messenger for mine own letter, I thought good also to redouble by writing. And so I commend you to God's protection. From Gray's Inn, this 9th day of July, 1600. (a)

An Answer of my Lord of Essex to the immediately preceding Letter of Mr. Bacon's.

Mr. Bacon,—I can neither expound nor censure your late actions, being ignorant of all of them, save one, and having directed my sight inward only, to examine myself. You do pray me to believe that you only aspire to the conscience and commendation of *bonus civis* and *bonus vir*; and I do faithfully assure you, that while that is your ambition (though your course be active and mind contemplative), yet we shall both, *convenire in eodem tertio*, and *convenire inter nos ipsos*. Your profession of affection, and offer of good offices, are welcome to me; for answer to them I will say but this, that you have believed I have been kind to you; and you may believe that I cannot be other, either upon humour or mine own election. I am a stranger to all poetical conceits, or else I should say somewhat of your poetical example. But this I must say, that I never flew with other wings, than desire to merit and confidence in my sovereign's favour; and when one of these wings failed me, I would light nowhere but at my sovereign's feet, though she suffered me to be bruised with my fall. And till her majesty, that knows I was never bird of prey, finds it to agree with her will, and her service, that my wings should be imped again, I have committed myself to the mue. No power, but my God's and my sovereign's, can alter this resolution of your retired friend, ESSEX.

If it is imagined that the apparent coldness of this letter ought to be ascribed to injured feeling, to that lofty spirit, which could not brook any real or apparent opposition, let the time when it was written: let it be connected with the letters in note E: let the conclusion of the letter, beginning at "till her majesty," and let Bacon's accidental account of these letters in page lxxxi, "and having received from his lordship a courteous and loving acceptation of my good will and endeavours," be considered; and it will, perhaps, clearly appear that this was a letter intended to be seen by the Queen.

4 E. *Life, p.* lxxix.

The following are the letters:

Two Letters framed, one as from Mr. Anthony Bacon to the Earl of Essex; the other, as the Earl's answer.

My singular good Lord,—This standing at a stay doth make me, in my love towards your lordship, jealous, lest you do somewhat, or omit somewhat, that amounteth to a new error; for I suppose that of all former matters there is a full expiation; wherein, for any thing which your lordship doth, I, for my part, (who am remote) cannot cast or devise wherein my error should be, except in one point, which I dare not censure nor dissuade; which is, that as the prophet saith, in this affliction you look up "ad manum percutientem," and so make your peace with God. And yet I have heard it noted, that my lord of Leicester, who could never get to be taken for a saint, yet in the Queen's disfavour waxed seeming religious; which may be thought by some, and used by others, as a case resembling yours, if men do not see, or will not see, the difference between your two dispositions. But, to be plain with your lordship, my fear rather is, because I hear how some of your good and wise friends, not unpractised in the court, and supposing themselves not to be unseen in that deep and unscrutable centre of the court, which is her majesty's mind, do not only toll the bell, but even ring out peals, as if your fortune were dead and buried, and as if there

(a) A copy of this letter is supposed, erroneously perhaps, to have been sent by Bacon to Lord Salisbury, on the 20th of July.

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were no possibility of recovering her majesty's favour; and as if the best of your condition were to live a private and retired life, out of want, out of peril, and out of manifest disgrace. And so, in this persuasion to your lordship-wards, to frame and accommodate your actions and mind to that end; I fear (I say) that this untimely despair may in time bring forth a just despair, by causing your lordship to slacken and break off your wise, loyal, and seasonable endeavour and industry for redintegration to her majesty's favour, in comparison whereof all other circumstances are but as atoms, or rather as a vacuum, without any substance at all. Against this opinion, it may please your lordship to consider of these reasons, which I have collected; and to make judgment of them, neither out of the melancholy of your present fortune, nor out of the infusion of that which cometh to you by other's relation, which is subject to much tincture, but "ex rebus ab ipsis," out of the nature of the persons and actions themselves, as the truest, and less deceiving ground of opinion. For, though I am so unfortunate as to be a stranger to her majesty's eye, much more to her nature and manners, yet by that which is extant I do manifestly discern that she hath that character of the divine nature and goodness, as "quos amavit, amavit usque ad finem;" and where she hath a creature, she doth not deface nor defeat it: insomuch as, if I observe rightly, in those persons whom heretofore she hath honoured with her special favour, she hath covered and remitted, not only defections and ingratitudes in affection, but errors in state and service.

2. If I can, scholar-like, spell and put together the parts of her majesty's proceedings now towards your lordship, I cannot but make this construction; that her majesty, in her royal intention, never purposed to call your doings into public question, but only to have used a cloud without a shower, and censuring them by some restraint of liberty, and debarring from her presence. For both the handling the cause in the Star Chamber was enforced by the violence of libelling and rumours, wherein the Queen thought to have satisfied the world, and yet spared your appearance: and then after, when that means, which was intended for the quenching of malicious bruits, turned to kindle them, because it was said your lordship was condemned unheard, and your lordship's sister wrote that private letter, then her majesty saw plainly that these winds of rumours could not be commanded down, without a handling of the cause, by making you party, and admitting your defence. And to this purpose I do assure your lordship, that my brother Francis Bacon, who is too wise to be abused, though he be both reserved in all particulars more than is needful, yet in generality he hath ever constantly, and with asseveration affirmed to me, that both those days, that of the Star Chamber, and that at my Lord Keeper's, were won of the Queen, merely upon necessity and point of honour, against her own inclination.

3. In the last proceeding, I note three points, which are directly significant, that her majesty did expressly forbear any point which was irrecuperable, or might make your lordship in any degree uncapable of the return of her favour, or might fix any character indelible of disgrace upon you: for she spared the public places, which spared ignominy; she limited the charge precisely, not to touch disloyalty, and no record remaineth to memory of the charge or sentence.

4. The very distinction which was made in the sentence of sequestration, from the places of service in state, and leaving to your lordship the place of master of the horse, doth in my understanding point at this, that her majesty meant to use your lordship's attendance in court, while the exercises of other places stood suspended.

5. I have heard, and your lordship knoweth better, that now since you were in your own custody, her majesty, "in verbo regio," and by his mouth to whom she committeth her royal grants and decrees, hath assured your lordship she will forbid, and not suffer your ruin.

6. As I have heard her majesty to be a prince of that magnanimity, that she will spare the service of the ablest subject or peer, where she shall be thought not to stand in need of it; so she is of that policy, as she will not blaze the service of a meaner than your lordship, where it shall depend merely upon her choice and will.

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7. I held it for a principle that those diseases are hardest to cure, whereof the cause is obscure; and those easiest, whereof the cause is manifest. Whereupon I conclude, that since it hath been your errors in your lowness towards her majesty which have prejudiced you, that your reforming and conformity will restore you, so as you may be "faber fortunæ propriæ."

Lastly, considering your lordship is removed from dealing in causes of state, and left only to a place of attendance, methinks the ambition of any which can endure no partners in state matters may be so quenched, as they should not laboriously oppose themselves to your being in court. So as upon the whole matter, I cannot find, neither in her majesty's person, nor in your own person, nor in any third person, neither in former precedents, nor in your own case, any cause of peremptory despair. Neither do I speak this, but that if her majesty out of her resolution should design you to a private life, you should be as willing, upon the appointment, to go into the wilderness as into the land of promise; only I wish that your lordship will not despair, but put trust (next to God) in her majesty's grace, and not be wanting to yourself. I know your lordship may justly interpret, that this which I persuade may have some reference to my particular, because I may truly say, "tu stante non virebo," for I am withered in myself; but manebo, or tenebo, I should in some sort be, or hold out. But though your lordship's years and health may expect return of grace and fortune, yet your eclipse for a time is an "ultimum vale" to my fortune: and were it not that I desired and hope to see my brother established by her majesty's favour, as I think him well worthy for that he hath done and suffered, it were time I did take that course from which I dissuade your lordship. Now in the mean time, I cannot choose but perform those honest duties unto you, to whom I have been so deeply bound, &c.

A Letter framed as from the Earl, in answer to the former letter.

Mr. Bacon,—I thank you for your kind and careful letter. It persuades me that which I wish strongly, and hope for weakly; that is, possibility of restitution to her majesty's favour: but your arguments that would cherish hope turn to despair. You say the Queen never meant to call me to public censure, which sheweth her goodness; but you see I passed under it, which sheweth other's power. I believe most steadfastly her majesty never intended to bring my cause to a sentence; and I believe as verily, that since that sentence she meant to restore me to attend upon her person. But they that could use occasions, which was not in me to let, and amplify occasions, and practise upon occasions, to represent to her majesty a necessity to bring me to the one, can and will do the like to stop me from the other. You say, my errors were my prejudice, and therefore I can mend myself, and that if I ever recover the Queen, that I will never loose her again, will never suffer me to obtain interest in her favour: and you say the Queen never forsook utterly where she hath inwardly favoured, but know not whether the hourglass of time hath altered her; but sure I am, the false glass of other's informations must alter her, when I want access to plead mine own cause. I know I ought doubly infinitely to be her majesty's, both "jure creationis," for I am her creature; and jure redemptionis," for I know she hath saved me from overthrow. But for her first love, and for her last protection, and all her great benefits, I can but pray for her majesty; and my endeavour is now to make my prayers for her and myself better heard. For thanks be to God, that they which can make her majesty believe I counterfeit with her, cannot make God believe that I counterfeit with him; and they that can let me from coming near to her, cannot let me from drawing nearer to him, as I hope I do daily. For your brother, I hold him an honest gentleman, and wish him all good, much rather for your sake; yourself, I know, hath suffered more for me, and with me, than any friend that I have: but I can but lament freely, as you see I do, and advise you not to do that I do, which is, to despair. You know letters what hurt they have done me, and therefore make sure of this; and yet I could not, as having no other pledge of my love, but communicate openly with you for the ease of my heart and yours.

Your loving friend, R. ESSEX.

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NOTE 4 E.

The Substance of a Letter I now wish your Lordship should write to her Majesty.

That you desire her majesty to believe *id, quod res ipsa loquitur*, that it is not conscience to yourself of any advantage her majesty hath towards you, otherwise than the general and infinite advantage of a queen and a mistress; nor any drift or device to win her majesty to any point or particular, that moveth you to send her these lines of your own mind: but first, and principally, gratitude; next a natural desire of, you will not say, the tedious remembrance, for you can hold nothing tedious that hath been derived from her majesty, but the troubled and pensive remembrance of that which is past, of enjoying better times with her majesty, such as others have had, and that you have wanted. You cannot impute the difference to the continuance of time, which addeth nothing to her majesty but increase of virtue, but rather to your own misfortune or errors. Wherein, nevertheless, if it were only question of your own endurances, though any strength never so good may be oppressed, yet you think you should have suffocated them, as you had often done, to the impairing of your health, and weighing down of your mind. But that which indeed toucheth the quick is, that whereas you accounted it the choice fruit of yourself to be a contentment and entertainment to her majesty's mind, you found many times to the contrary, that you were rather a disquiet to her, and a distaste.

Again, whereas in the course of her service, though you confess the weakness of your own judgment, yet true zeal, not misled with any mercenary nor glorious respect, made you light sometimes upon the best and soundest counsels; you had reason to fear that the distaste particular against yourself made her majesty farther off from accepting any of them from such a hand. So as you seemed, to your deep discomfort, to trouble her majesty's mind, and to foil her business; inconveniences, which, if you be minded as you ought, thankfulness should teach you to redeem, with stepping down, nay throwing yourself down, from your own fortune. In which intricate case, finding no end of this former course, and therefore desirous to find the beginning of a new, you have not whither to resort, but unto the oracle of her majesty's direction. For though the true introduction *ad tempora meliora* be by an *amnestia* of that which is past, except it be in the sense that the verse speaketh, *Olim hæc meminisse juvabit*, when tempests past are remembered in the calm; and that you do not doubt of her majesty's goodness in pardoning and obliterating any of your errors and mistakings heretofore; refreshing the memory and contemplations of your poor services, or any thing that hath been grateful to her majesty from you; yea, and somewhat of your sufferings, so though that be, yet you may be to seek for the time to come. For as you have determined your hope in a good hour not willingly to offend her majesty, either in matter of court or state, but to depend absolutely upon her will and pleasure, so you do more doubt and mistrust your wit and insight in finding her majesty's mind, than your conformities and submission in obeying it; the rather because you cannot but nourish a doubt in your breast, that her majesty, as princes' hearts are inscrutable, hath many times towards you *aliud in ore, et aliud in corde*. So that you, that take her *secundum literam*, go many times farther out of your way.

Therefore your most humble suit to her majesty is, that she will vouchsafe you that approach to her heart and bosom, *et ad scrinium pectoris*, plainly, for as much as concerneth yourself, to open and expound her mind towards you, suffering you to see clear what may have bred any dislike in her majesty; and in what points she would have you reform yourself, and how she would be served by you. Which done, you do assure her majesty, she shall be both at the beginning and the ending of all that you do, of that regard, as you may presume to impart to her majesty.

And so that hoping that this may be an occasion of some farther serenity from her majesty towards you, you refer the rest to your actions, which may verify what you have written; as that you have written may interpret your actions, and the course you shall hereafter take.

Indorsed by Mr. Francis Bacon—A Letter framed for my Lord of Essex to the Queen.

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4 F. *Life, p.* xc.

In the Harl. MS. No. 6854, fol. 188, entituled a description of the arraignment of Robert, Earl of Essex, and Henry, Earl of Southampton, the 19th day of February, 1600, is the following speech of Lord Bacon's:

Then Mr. Bacon entered into a speeche much after this fashion, in speaking of this late and horrible rebellion which hath been in the eis and eares of all men. I shall save my self much labour in opening and enforceing the particular poinctes therof, insomuch as I spake not before cuntrey jury of ignoraunt people, but before a most honorable assemblie of the gravest and sagest peeres of the realme, whose wisdomes conceaves farr more then my tonge can utter; yet with your gratious and honorable favours, I will presume, if not for informacion of your lordshipps, yet for dischardge of my duetie to saie this much, that there was never any traytor hard of soe shameleslie desperat that durste directlie attempt the seate of his liege soveraigne, but alwais covered his practizes with some plausible pretence, for God hath ymprinted such a majestie in the face of princes, that noe subiect dare aproach the person of his soveraigne with any open traiterous yntent, and therefore they runne another side course oblique and altare, makeing shew to reforme some corrupcion in the state of religion, to reduce some auncyent libertie, or to remove some persons in highe places, yet still ayming at the subversion of the estate and destruction of their princes: so Cayne, the first murtherer, tooke upp an excuse, as shameing to out face that fact with impudency; and soe this traytor Essex made his collour the scowring of some noble men and councellors from her majesties favour and the feare he stood in of his pretended enemies, lest they should murther hime. Therefore he said he was compelled to fly into the cittie for favour and defence, not much unlike Pisistrates, of whom yt is so auncyentlie written, how he gasht and wounded himself and in that sort rann cryeing into Athens that his lief was sought, and like to have been taken awaie, thinking to move the people to have pittie on him by such counterfett dainger and harme, wheras his ayme was to take the government of the cittie into his handes; and after the forme therof, with like pretence of dainger and assaultes, the Erle of Essex entered the cittie of London throw the bowels therof, wheras he had noe such enemyes nor such daingers. But you, my lo. should know, that althoughe princes geve their subiectes causes of discontent, thoughe they take away the honors they heaped uppon them, thoughe they bringe them to a lower estate from whence they first raysed them, yet ought they not to be soe forgetfull of their alleageaunce, that therfore they should enter into any undutifull action, lesse upon rebellion, as they have donn.

Here the Erle of Essex spake to answer Mr. Bacon. I muste call foorth Mr. Bacon against Mr. Bacon: you must then that Mr. Bacon hath written twoe severall lettres, the one artificialie framed in my name, haveing first framed one from me; and Bacon, to provoke me, he layed doune the groundes of my discontement, and the resons I pretended against my enemys much like such a lettre as my sister Lady Rich wrott, and was therfore called before your lordshipps; yf those resons were then iuste and true, not counterfett, how can yt be that now my pretences are false, and iniurious, ffor ther Mr. Bacon joyned with me in opinion and poincted out those to be my enemyes, and hold me in disgrace with her majesty, whom now he seemeth to cleere of any such mynde towards me, and therfore leave the truth of what I saie, and he opposeth, to your lordshipps indifferent consideracions. Then said Mr. Bacon, for those lettres, my lord, if they were here they would not blushe for any thing conteigned in them. I thinke soe, said the Erle of Essex; for you have thrust them into many men's handes. Well, my lo. said Mr. Bacon, I have spent more houres in vaine, in studiing how to make you a good servaunt to her majestie and state then I have donn in any thing ells. Who, I? Mr. Bacon, a good subject by your studye, said the erle with scornful countenance.

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In the Harleian MS. No. 5202, entitled Proceedings against the Earl of Essex, 1600, the following speeches of Mr. F. Bacon occur:

Then Mr. Baconne speake to this effecte. I expected not, quothe hee, that the matter of deffence should have bine excused. Therefore I must elatt my speache for that I intended, to rebell in deffence is matter not had of morther to defend is lawfull, but in this cause to doe all that was donne that day, and to goe about to blanche I cannot allowe, I speake not to simple men, I speake to them that cane draw prooffe out of the matter; the thinges themselves is known by boockes, by experience, and by common lawe, that noe unlawful intendmentes bent against the prynce, but that is an alteringe of government, as the phrease is in Scotland, they goe by noe meanes but by particulars enimies. My lord, I cannot assemble your proceedings to bee more aptly then that of Passissortus of Athens, who lanched himselfe, to the intent that by the sightes of his bleedinge woundes, the people might belive he was sett upon, your lordshipe gave out that your lyffe was sought by my Lo. Cobham and Sir W. Ralighe, and came in shuche a shewe of religion, that mens eies weare not able to behould the dept of it throughe shuche a mist. But your imprisoninge of the lordes of the councell, what refference had that face to my Lo. Cobham or the rest? you alledge the matter against to bee resoulved vpon a sudon, when you were 3 monthes in a deliberation. Oh, my lord, destren with your selfe, and stripe you of all excuses the persons whom you shot att, yf you righly vnderstand are your best frendes.

Then the E. of Essex interrupted him and sead that the speache of Mr. Baconne gaue him occation to speake for himselfe; for, saithe hee, Mr. Baconne beinge a dailie courtier, and havinge free access to her majestie, vndertooke to goe to the Queene in my behalfe, and did write a letter most artificially, which was subscribed with my name, also another letter was drawne by him to ocation that letter with others that should come from his brother, Mr. Anthony Bacone, bothe which he shewed the Q. Gosnall and he brought me bothe the letters, and in my letter hee did plead for me feelingly against thous enimies, and poynted them out as particularly as was possible.

Here Mr. Baconne answeared that thees degressions weare not ffit, nether would be suffered, but that the honorable parties of assemblys weare great, yet hee spent more tyme to make him a servant for her majestie then ever he desarued, and for any thinge contayned in the letters, they would not blushe at the clearest light.

But, saith the Earle, lett it be judged indifferently whether I have cause of greefe or not, when I was informed by thous of good credit, that a honorable gentelman and a wise councellor did with teare lament the courses that weare talkinge, besides of that I speake in London, that the infant was entyteled the succession. I had reason for it, for it was tould me that Mr. Secretary should say it to one of his fellow councelors, that the infantes tytle, &c. &c.

* * * * *

Then Mr. Baconne speake to thes effecte. I doubte the veriatie of the matter and the degressions haue seuered the judgmentes of the lordes, and therefore I hould it necessary to trye the judges opinions; that donne, hee proceeded to this effecte: nowe putt the case the E. of Essex's intent were as you would have it beleued, to goe as a spectakell to her majestie, yet shall there petitions be armed petitions, which all was losse of libertie to the prynce, nether is it a nyce poynt of law, as my lord of South. would haue it, that condemes them of treason, even common sence to consult, to execute, to rune and gether a nomber in there dublettes and hosse, armed with weapons, what can bee the cause? Warned by my Lo. Kep. by a harowld, and yet preist, will any simple man take this lese then treason.

The E. of Essex replyed, that if he had purposed any thinge against any other than honeste fore his privat enimies, hee would not have shewed with soe small a company.

Mr. Baconne answeared, that not the company that you carried with you that you trusted in, but the assistment hoped for in the city. The Guies thrust

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theme selves into Paris with only viij gent. and soe was aded, but thankes be to God, you fayled of it in London, but what followed? the kinge was put to his pilgrimage habit, and in them devised to escape from the feare of the Guies; you came with all hale to the citie, but thend was treason, as hath bene already proved.

There is another copy of this speech of Lord Bacon's, nearly in the same words, in the Harl. MS. No. 6854, fol. 231. See also State Trials.

4 G. *Life, p.* xciv.

Birch, vol. ii. p. 505. But in the beginning of June the year following her majesty, in a conversation with Count de Beaumont, successor to Mons. de Boissise, as ambassador to her from France, after owning herself to be weary of life, with sighs and tears in her eyes, touched upon the subject of the earl's death, and said, that having been apprehensive, from the impetuosity of his temper and his ambition, that he would precipitate himself into destruction by some ill design, she had advised him above two years before to content himself with pleasing her on all occasions, and not to shew such an insolent contempt for her as he did; but to take care not to touch her sceptre, lest she should be obliged to punish him according to the laws of England, and not according to her own, which he had found too mild and favourable for him to fear any suffering from them; but that her advices, however salutary and affectionate, could not prevent his ruin.

The ambassador wrote again to his master on the 28th of March, N.S. that the Queen continued to grow worse, and appeared already in a manner insensible, not speaking sometimes for two or three hours, and within the last two days not for above four and twenty, holding her finger almost continually in her mouth, with her eyes open and fixed upon the ground, where she sat upon cushions without rising or resting herself, and was greatly emaciated by her long watching and fasting.

In his next letter, of the 1st of April, N.S. he informs Mons. Villeroy, that the Queen was drawing to her end, and had been abandoned the day before by all her physicians, but was now forced in a manner into bed, after having sat ten days upon cushions, refusing to repose herself on it except for one hour, and that in her clothes. She seemed once to be so much better, calling for broth, that those about her entertained some hopes of her; but soon after began to lose her speech, and from that time eat nothing, but lay on one side on the day of the date of this letter, without speaking or looking upon any person, though the day before she had directed some meditations to be read to her, and, among others, those of Mons. du Plessis.

4 H. *Life, p.* xciv.

Between the year 1605 and 1612, Bacon wrote an Essay "*in Felicem Memoriam Elizabethæ.*" This appears by a letter of Lord Bacon's to Sir George Carew, who was dead in 1613, as Mr. De Thou, in a letter to Mr. Camden, in 1613, laments his death.

The following is a copy, from the Cabala and Stephens's collection, of the letter:

To Sir George Carew.

My very good Lord,—Being asked the question by this bearer, an old servant of my brother Anthony Bacon's, whether I would command him any thing into France; and being at better leisure than I would, in regard of sickness, I began to remember, that neither your business nor mine, (though great and continual) can be, upon an exact account, any just occasion, why so much good will as hath passed between us should be so much discontinued, as hath been. And therefore, because one must begin, I thought to provoke your remembrance of me by a letter; and thinking to fit it with somewhat besides salutations, it came

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to my mind, that this last summer vacation, by occasion of a factious book, that endeavoured to verify, *Misera Fœmina* (the addition of the Pope's bull), (*a*) upon Queen Elizabeth, I did write a few lines in her Memorial, which I thought you would be pleased to read, both for the argument, and because you were wont to bear affection to my pen, *Verùm, ut aliud ex alio*, if it came handsomely to pass, I would be glad the President de Thou, (who hath written an history, as you know, of that fame and diligence) saw it; chiefly because I know not whether it may not serve him for some use in his story; wherein I would be glad he did right to the truth, and to the memory of that lady, as I perceive by that he hath already written, he is well inclined to do. I would be glad also it were some occasion (such as absence may permit) of some acquaintance, or mutual notice between us. For though he hath many ways the precedence (chiefly in worth) yet this is common to us both, that we serve our sovereigns in places of law eminent; and not ourselves only, but our fathers did so before us. And lastly, that both of us love learning and liberal sciences, which was ever a bond of friendship, in the greatest distance of places. But of this I make no further request than your occasions and respects (to me unknown) may further or limit; my principal purpose being to salute you, and to send you this token. Whereunto I will add my very kind commendations to my lady, and so commit you both to God's holy protection.

It seems also that he then had, if not the intention, the inclination to publish it; the following passage is from the tract:—There are two fair issues of her happiness, born to her since her death, I conceive not less glorious and eminent than those she enjoyed alive. The one of her successor, the other of her memory. For she hath gotten such a successor, who although for his masculine virtues, and blessing of posterity, and addition of territories he may be said to exceed her greatness and somewhat to obscure it; notwithstanding he is most zealous of her name and glory; and doth even give a perpetuity to her acts, considering both in the choice of the persons, and in the orders, and institutions of the kingdom, he hath departed so little from her so as a son could hardly succeed a father, with less noise of innovation. As for her memory, it hath gotten such life in the mouths and hearts of men, as that envy being put out by her death, and her fame lighted, I cannot say whether the felicity of her life, or the felicity of her memory be the greater. For if, perhaps, there fly abroad any factious fames of her, raised either by discontented persons, or such as are averse in religion; which notwithstanding dare now scarce shew their faces, and are every where cried down; the same are neither true, neither can they be long lived. And for this cause especially have I made this collection, such as it is, touching her felicity, and the marks of God's favour towards her; that no malicious person should dare to interpose a curse, where God hath given a blessing.

"Restant felicitates posthumæ duæ, iis quæ vivam comitabantur feri celsiores et augustiores: una successoris, altera memoriæ. Nam successorem sortita est eum, qui licet et mascula virtute et prole, et nova imperii accessione fastigium ejus excedat et obrumbret; tamen et nomini et honoribus ejus faveat, et actis ejus quandam perpetuitatem donet: cum nec ex personarum delectu, nec ex institutorum ordine, quicquam magnopere mutaverit: adeo ut raro filius parenti, tanto silentio, atquæ tam exigua mutatione et perturbatione successerit."

In 1605, he published the Eulogium on Elizabeth, which is in page xcv, of the text of this life.

About the year 1612, "The King," says Wilson, "cast his thoughts towards Peterborough, where his mother lay, whom he caused to be translated to a magnificent tomb, at Westminster. And (somewhat suitable to her mind

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(*a*) I have a tract in my possession, entitled, *Felix Memoria Elizabethæ Angliæ Reginæ Auctore Francisco Bacono, Barone de Verulamio, Vice Comite S. Albani. Helmstadi, Typis Georg-Wolfgangi, Hamm. Acad. Typogr. Anno* MDCLXXXIX. At the conclusion of this tract the Pope's bull is annexed.

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when she was living) she had a translucent passage in the night, through the city of London, by multitudes of torches; the tapers placed by the tomb and the altar, in the cathedral, smoking with them like an offertory, with all the ceremonies, and voices, their quires and copes could express, attended by many prelates and nobles, who paid this last tribute to her memory."

In 1623 Lord Bacon published the treatise "De Augmentis." In this treatise the praise of Elizabeth, in the Advancement of Learning, is wholly omitted, and certainly not for its want of beauty; he also omits the passage, "Then the reign of a queen matched with a foreigner: then of a queen that lived solitary and unmarried, and yet her government so masculine that it had greater impression and operation upon the states abroad than it any ways received from thence;" merely saying, "Rursus regnum fœminæ solitariæ et cœlibis." Whatever were the motives by which he was induced to suppress, for a time, the just praise of Elizabeth, he ordered the publication in a will, which he afterwards cancelled, but, in all probability, after some understanding with Dr. Rawley, that the publication should appear, as it did, soon after his death. This appears from Rawley's account, and from Archbishop Tennison's Baconiana.

Archbishop Tennison published, in the Baconiana, this extract from his will, saying, "It is a transcript out of his lordship's will concerning his writings. There in particular manner, he commendeth to the press The Felicities of Queen Elizabeth." The words in the will are, "In particular I wish the elegie which I writ 'in felicem memoriam Elizabethæ' may be published."

The will to which the Archbishop and Dr. Rawley refer was a former will, and was altered. This appears by comparing the transcript by Archbishop Tennison with the published copy of his last: and that there may not be any mistake, I compared the printed copy of Lord Bacon's will, with the copy in Doctor's Commons, and found it correct, except with a few immaterial literal variations.

The published, that is, the correct copy of Lord Bacon's will, does not contain this direction respecting the eulogy on Elizabeth.

In the year 1651 a tract was published from which it appears that the essay "In felicem memoriam Elizabethæ" had not been confined to the drawer of Dr. Rawley; it is entitled, *In happy Memorie of Elizabeth, Queen of England, or a Collection of the Felicities of Queen Elizabeth.*

Of this tract Archbishop Tennison says, "The third is a memorial, intituled The Felicities of Queen Elizabeth. This was written by his lordship in Latin only. A person of more good will than ability, translated it into English, and called it in the singular, Her Felicity. But we have also a version, much more accurate and judicious, performed by Doctor Rawley, who was pleased to take that labour upon him, because he understood the value his lordship put upon this work; for it was such, that I find this charge given concerning it, in his last will and testament. 'In particular I wish the elogie which I writ, in *Felicem Memoriam Elizabethæ*, may be published.'" This version was published in 1657, many years after the death of James, in the first edition of the Resuscitatio, where in his address to the reader, he says, "I thought it fitting to intimate, that the discourse within contained, entituled A Collection of the Felicities of Queen Elizabeth, was written by his lordship in Latin only; whereof, though his lordship had his particular ends then, yet in regard that I held it a duty, that her own nation, over which she so happily reigned for many years, should be acquainted and possessed with the virtues of that excellent queen, as well as foreign nations, I was induced, many years ago, to put the same into the English tongue; not *ad verbum*, for that had been but flat and injudicious; but (as far as my slender ability could reach) according to the expressions, which I conceived his lordship would have rendered it in, if he had written the same in English; yet ever acknowledging that Zeuxis or Apelles' pencil, could not be attained but by Zeuxis or Apelles himself. This work, in the Latin, his lordship so much affected, that he had ordained, by his last will and testament, to have had it published many years since; but that singular person entrusted therewith soon after deceased; and therefore it must

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now expect a time to come forth, amongst his lordship's other Latin works." The translation is in the Resuscitatio. The Latin copy is in vol. xi. of this edition, p. 375.

In the Harleian Miscellany in the British Museum, No. 6797, there is a folio containing, amongst various papers, a tract of praise of Queen Elizabeth; it was published in 1734 by Stephens. It is in Mallet's folio edition of 1760, and is in vol. vii. page 147 of this edition.

NOTE Z Z.

Respecting the Charge of Bribery.

Solicitations by Suitors in England.

1. Temp. Eliz.
2. Temp. Jac.
   1. Before time of Bacon.
   2. During time of Bacon.
   3. After time of Bacon.
3. Present times.

Temp. Eliz.

Letters from Trinity College, Cambridge, to Lord Burleigh, respecting a Cause before him in which the College was interested, 1596.

Our humbliest duties remembered. Your lordship's most honorable protection to our poor colledge giveth us occasion at this present to crave some favour in a cause depending before your honorable lo. in the Exchequer chamber, into which court hath our tenant of the Rectorie of Swinsheade, within the countie of Lincoln been drawne for certain tythes to the Lo. Delaware's lands within that parish, pretended to belong to the free chapel of Barthrope, from no other evidence than a bare and torne inquisition lately discovered by one Jeff, and since sold for five pounds to John Knight, now plaintiff for the said tythes in question; who being the Lo. Delaware's bayly in these parts hath procured, of late years, some broken payments of the said tythes, by threats, and promises to save the saide tenants there harmeles, and not otherwise. May it therefor please your most honorable lordship, for preservation of the colledge rights to examine the ualidity of the said inquisition, being no sufficient euidence, as we are advertised, against so auntient possession, and never taken by the oathes of any due inquest. Whereunto, nevertheless, if we must submit ourselves for the Queene, yet our humble request is, for avoyding of further inconvenience, wherein we stand more entangled by some indirect entring of a late decree in this cause, that the said decree so misentered at least may be explained and rectified by order of that honorable court, and that henceforth the plaintiff intermeddle not anie with other tythes save corne and haye, which in the said inquisition are only reserved. So being always bolde to troble your lo. in all our needs, we humblie comend your most honorable lordship to Almightie God. From Trinity College, in Cambridge. Januarii 27° 1596.

Your Lo. most humblie to be always comaunded,
Thomas Nevile,

Jer. Radcliffe,	John Overall,
Gre. Milner,	Hn. Graye,
Thomas Harrison,	Richa. Wright,
William Hall,	Thomas Furtho'.

To the Right Honorable our very singular good
Lo. the Lo. Burghley, Lo. High Treasurer of
England.

Lansd. MS.

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NOTE Z Z.

The following is a letter written in the year 1597 from the University of Oxford to Lord Burleigh to induce him to interfere with the Lord Keeper respecting a pending cause in which the universities were interested.

If, most honored Sir, the risk to which we are exposed were ours alone, yet from a persuasion of your perfect goodwill to us, and the belief of mutual friendship we should think ourselves right in invoking your support as readily as that of our own Chancellor. But since the well-being of the other university is assailed by the same danger which involves our interests, we hasten to borrow a share in that succour which your own Cambridge claims from you, that those who are united in one danger may conjoin their resources for the common cause. A deputation of our members has attended, by order of the court of Chancery, where, as they were bound to do, they pleaded the privilege of the university to the jurisdiction, and asked that by the favour of the court, they might be relieved from the necessity of leading evidence in any public trial, and permitted to settle the disputed points, after the antient manner, at home. Their plea was so little regarded that while the validity of the privilege was undeniable, they made their reports to us that the matter must be tried in the usual course. The answer having been repeatedly returned our most honorable chancellor at our earnest desire dealt with the illustrious lord keeper to appoint a day in which he should be at liberty to take cognizance of our cause, and to decide upon it, thinking that whether the decision should accord with our wishes or disappoint them, it was still no small object to ascertain as soon as possible what we had to expect. Each ought to have that committed to him which he is best fitted to administer, and our distinguished chancellor has promised, so far as he is concerned, that though prevented from interfering, by having in some measure a common interest in the cause, he will exert himself to bring the dispute to an equitable determination. But your lordship has a free access to solicit for your friends where the cause is not your own; and we therefore the more earnestly conjure you to endeavour to conciliate in our favor that noble person, the Lord Keeper; and, with your wonted and unequalled skill and influence, to obtain for us on the day whereon the honorable court shall grant us a hearing, a prompt and fair decision. Which trouble, if you consent to take upon you, you will render no less a favor to Cambridge than to us, and shall bind us as closely to you as are your friends its members. We wish you, most honorable Sir, all health, and that you may long live for your country and for us. Given the 12 February, 1597.

For the Most Honorable Baron Burleigh, High Treasurer of England, Privy Counsellor to the Queen's Majesty:—These.

Temp. Jac. Before Bacon was Chancellor.

The influencing a judge out of court seems at that period scarcely to have been considered improper. A short time before Sir Francis was appointed Lord Keeper, Sir Edward Coke had incurred the royal displeasure. The King, anxious to convict one Peacham, but doubting the issue of a trial, ordered his attorney general to sound the judges upon it, and gather their opinions privately before he instituted a public prosecution. "I will not thus declare what may be my judgment by these auricular opinions of new and pernicious tendency, and not according to the customs of the realm," was the answer of Sir Edward Coke.

A cause against the Bishop of Litchfield, respecting a vacant church held in commendam, Serjeant Chiborne, who was council against the bishop, in arguing the case had maintained several positions, reckoned prejudicial and derogatory to the King's supreme and imperial power, which was affirmed to be distinct from, and of a higher nature than his ordinary authority. Informed of this, James peremptorily commanded them to stay all proceedings till his return to London. They were then summoned before the council, and sharply repri-

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manded for suffering the popular lawyers to question his prerogative, which was represented as sacred and transcendent, not to be handled or mentioned in vulgar argument. At last, raising his voice to frighten them into submission, he put this question to them severally: "If, at any time, in a case depending before the judges, he conceived it to concern him either in profit or power, and thereupon required to consult with them, and that they should stay proceedings in the mean time, whether they ought not to stay them accordingly?" They all, the chief justice only excepted, acknowledged it their duty to do so. His answer was, "When such a case happens I will do that which will be fit for a judge to do." For this noble conduct, for this independent spirit, in resisting an attempt to violate the law, Sir Edward Coke was, as it is termed, disgraced, a censure which reflected more honour upon him than all his preferments.

The following letters will exhibit the nature of the proceedings in these times.

To the King, touching Peacham's business, &c.

It may please your excellent Majesty,—I received this morning, by Mr. Murray, a message from your majesty, of some warrant and confidence that I should advertise your majesty of your business, wherein I had part: wherein I am first humbly to thank your majesty for your good acceptation of my endeavours and service, which I am not able to furnish with any other quality, save faith and diligence.

For Peacham's case, I have since my last letter, been with my lord Coke twice; once before Mr. Secretary's going down to your majesty, and once since, which was yesterday: at the former of which times I delivered him Peacham's papers; and at this latter the precedents, which I had with care gathered and selected; for these degrees and order the business required. At the former I told him that he knew my errand, which stood upon two points; the one to inform him of the particular case of Peacham's treasons, for I never give it other word to him; the other, to receive his opinion to myself, and in secret, according to my commission from your majesty. At the former time he fell upon the same allegation which he had begun at the council table; that judges were not to give opinion by fractions, but entirely according to the vote whereupon they should settle upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous; and other words more vehement than I repeat. I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one. And then to give him a little outlet to save his first opinion, wherewith he is most commonly in love, I added, that judges sometimes might make a suit to be spared for their opinion, till they had spoken with their brethren; but if the king, upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining; nay, that it touched upon a violation of their oath, which was to counsel the king, without distinction, whether it were jointly or severally. Thereupon, I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives, and many things more precious than the life of a particular; as war, and peace, and the like. To conclude, his lordship *tanquam exitum quærens*, desired me for the time to leave with him the papers, without pressing him to consent to deliver a private opinion till he had perused them. I said I would. But he desired me to leave the precedents with him, that he might advise upon them. I told him, the rest of my fellows would dispatch their part, and I should be behind with mine; which I persuaded myself your majesty would impute rather to his backwardness than my negligence. He said, as soon as I should understand that the rest were ready, he would not be long after with his opinion.

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For Mr. St. John, your majesty knoweth, the day draweth on; and my lord Chancellor's recovery, the season, and his age, promising not to be too hasty. I spake with him on Sunday, at what time I found him in bed, but his spirits strong, and not spent or wearied, and spake wholly of your business, leading me from one matter to another; and wished and seemed to hope that he might attend the day for O. S. and it were, as he said, to be his last work to conclude his services, and express his affection towards your majesty. I presumed to say to him, that I knew your majesty would be exceeding desirous of his being present that day, so as that it might be without prejudice to his continuance; but that otherwise your majesty esteemed a servant more than a service, especially such a servant. Surely, in mine opinion, your majesty were better put off the day than want his presence, considering the cause of the putting off is so notorious; and then the capital and the criminal may come together the next term.

I have not been unprofitable in helping to discover and examine, within these few days, a late patent, by surreption obtained from your majesty, of the greatest forest in England, worth 30,000*l.* under colour of a defective title, for a matter of 400*l.* The person must be named, because the patent must be questioned. It is a great person, my lord of Shrewsbury; or rather, as I think, a greater than he, which is my lady of Shrewsbury. But I humbly pray your majesty to know this first from my lord treasurer, who methinks groweth even studious in your business. God preserve your majesty. Your Majesty's most humble and devoted subject and servant, FR. BACON.

Jan. 31, 1614.

The rather, in regard to Mr. Murray's absence, I humbly pray your majesty to have a little regard to this letter.

A Letter to the King, touching Peacham's Cause, January 27, 1614.

It may please your excellent Majesty,—This day in the afternoon was read your majesty's letters of direction touching Peacham, which, because it concerneth properly the duty of my place, I thought it fit for me to give your majesty both a speedy and private account thereof; that your majesty knowing things clearly how they pass, may have the true fruit of your own wisdom and clear seeing judgment in governing the business. First, for the regularity which your majesty (as a master in business of estate) doth prudently prescribe in examining, and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner. For the course your majesty directeth and commandeth, for the feeling of the judges of the King's Bench their several opinions, by distributing ourselves and enjoining secresy; we did first find an encounter in the opinion of my lord Cooke, who seemed to affirm, that such particular, and, as he called it, auricular taking of opinions, was not according to the custom of this realm, and seemed to divine that his brethren would never do it. But when I replied, that it was our duty to pursue your majesty's directions; and it were not amiss for his lordship to leave his brethren to their own answers, it was so concluded; and his lordship did desire that I might confer with himself, and Mr. Serjeant Montague was named to speak with Justice Crooke, Mr. Serjeant Crew with Justice Houghton, and Mr. Solicitor with Justice Dodderidge. This done, I took my fellows aside, and advised that they should presently speak with the three judges, before I could speak with my lord Cooke, for doubt of infusion; and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. This sorted not amiss; for Mr. Solicitor came to me this evening and related to me, that he had found Judge Dodderidge very ready to give opinion in secret, and fell upon the same reason, which upon your majesty's first letter I had used to my lord Cooke at the council table, which was, that every judge was bound expressly by his oath to give your majesty counsel when he was called, and whether he should do it jointly or severally,

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that rested in your majesty's good pleasure, as you would require it. And though the ordinary course was to assemble them, yet there might intervene cases wherein the other course was more convenient. The like answer made Justice Crook; Justice Houghton, who is a soft man, seemed desirous first to confer; alleging that the other three judges had all served the crown before they were judges, but that he had not been much acquainted with business of this nature. We purpose therefore, forthwith, they shall be made acquainted with the papers; and if that could be done as suddenly as this was, I should make small doubt of their opinions; and howsoever, I hope, force of law and precedent will bind them to the truth: neither am I wholly out of hope, that my lord Cooke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.

For Owen, I know not the reason why there should have been no mention made thereof in the last advertisement; for I must say for myself, that I have lost no moment of time in it, as my lord of Canterbury can bear me witness. For having received from my lord an additional of great importance, which was, that Owen of his own accord, after examination, should compare the case of your majesty (if you were excommunicate) to the case of a prisoner condemned at the bar, which additional was subscribed by one witness, but yet I perceived it was spoken aloud, and in the hearing of others; I presently sent down a copy thereof, which is now come up, attested with the hands of three more, lest there should have been any scruple of *singularis testis*; so as for this case, I may say *omnia parata*; and we expect but a direction from your majesty for the acquainting the judges severally, or the four judges of the King's Bench, as your majesty shall think good.

I forget not, nor forslow not your majesty's commandment touching recusants, of which, when it is ripe, I will give your majesty a true account, and what is possible to be done, and where the impediment is, Mr. Secretary bringeth *bonum voluntatem*, but he is not versed much in these things, and sometimes urgeth the conclusion without the premises, and by haste hindereth. It is my lord treasurer and the Exchequer must help it, if it be holpen. I have heard more ways than one, of an offer of 20,000*l*. per annum for farming the penalties of recusants, not including any offence, capital or of premunire; wherein I will presume to say that my poor endeavours, since I was by your great and sole grace your attorney, have been no small spurs to make them feel your laws, and seek this redemption, wherein I must also say, my lord Cooke hath done his part; and I do assure your majesty I know, somewhat inwardly and groundedly, that by the courses we have taken, they conform daily and in great numbers; and I would to God, it were as well a conversion as a conformity; but if it should die by dispensation or dissimulation, then I fear that whereas your majesty hath now so many ill subjects, poor and detected, you shall then have them rich and dissembled. And therefore I hold this offer very considerable, of so great an increase of revenue, if it can pass the fiery trial of religion and honour, which I wish all projects may pass.

Thus, inasmuch as I have made to your majesty somewhat a naked and particular account of business, I hope your majesty will use it accordingly. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant.

To the King, concerning Owen's cause, &c.

It may please your excellent Majesty,—Myself, with the rest of your counsel learned, conferred with my lord Coke, and the rest of the judges of the King's Bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true, that your majesty in your letter did mention that the same course might be held in the taking of opinions apart in this, which was prescribed and used in Peacham's cause; yet both my lords of the council, and we amongst ourselves, holding it, in a case so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges, if cause were, more strongly, which is somewhat, we thought best rather to use this form. The judges desired us to leave the examinations

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and papers with them for some little time, to consider, which is a thing they use, but I conceive, there will be no manner of question made of it. My Lord Chief Justice, to shew forwardness, as I interpret it, shewed us passages of Suarez and others, thereby to prove that though your majesty stood not excommunicate by particular sentence, yet by the general bulls of *Cœna Domini*, and others, you were upon the matter excommunicate; and therefore that the treason was as *de præsenti*. But I (that foresee that if that course should be held, when it cometh to a public day, to disseminate to the vulgar an opinion, that your majesty's case is all one, as if you were *de facto* particularly and expressly excommunicate; it would but increase the danger of your person with those that are desperate papists; and that it is needless) commended my lord's diligence, but withal put it by, and fell upon the other course, which is the true way; that is, that whosoever shall affirm, *in diem*, or *sub conditione*, that your majesty may be destroyed, is a traitor *de presenti*; for that he maketh you but tenant for life, at the will of another. And I put the Duke of Buckingham's case, who said that if the king caused him to be arrested of treason, he would stab him; and the case of the impostress Elizabeth Barton, that said, that if king Henry the Eighth took not his wife again, Catherine dowager, he should be no longer king, and the like.

It may be these particulars are not worth the relating; but because I find nothing in the world so important to your service, as to have you throughly informed, the ability of your direction considered, it maketh me thus to do; most humbly praying your majesty to admonish me if I be over troublesome.

For Peacham, the rest of my fellows are ready to make their report to your majesty, at such time and in such manner as your majesty shall require it. Myself yesterday took my lord Coke aside, after the rest were gone, and told him all the rest were ready, and I was now to require his lordship's opinion, according to my commission. He said I should have it; and repeated that twice or thrice, as thinking he had gone too far in that kind of negative to deliver any opinion apart before; and said, he would tell it me within a very short time, though he were not that instant ready. I have tossed this business *in omnes partes*, whereof I will give your majesty knowledge when time serveth. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant,

Feb. 11, 1614. FR. BACON.

Foster, on High Treason, when speaking of Peacham's case, says, "This case weigheth very little, and no great regard hath been paid to it ever since. And perhaps still less regard will be paid to it if it be considered that the king, who appeareth to have had the success of the prosecution much at heart, and took a part in it unbecoming the majesty of the crown, condescended to instruct his attorney general with regard to the proper measures to be taken in the examination of the defendant; that the attorney, at his majesty's command, submitted to the drudgery of sounding the opinions of the judges upon the point of law before it was thought advisable to risk it at an open trial; that the judges were to be sifted separately, and soon, before they could have an opportunity of conferring together; and that for this purpose four gentlemen in the profession in the service of the crown were immediately dispatched, one to each of the judges; Mr. Attorney himself undertaking to practice upon the chief justice, of whom some doubt was then entertained. Is it possible that a gentleman of Bacon's great talents could submit to a service so much below his rank and character! But he did submit to it, and acquitted himself notably in it.

"Others of his letters shew that the same kind of intercourse was kept up between the king and his attorney general with regard to many cases then depending in judgment, in which the king was pleased to take a part, or thought his prerogative concerned, particularly in the case of one Owen, executed for treasonable words; in that of Mr. Oliver St. John, touching the benevolence in the dispute between the courts of King's Bench and Chancery in the case of præmunire, and in the proceedings against the Earl and Countess of Somerset."

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" Of the fact of these applications having been made, no doubt can be entertained. The inferences to be deduced from the fact alone vary.

It was the custom of the times, is one and a legitimate inference.

Judge Foster, applying the sentiments of his own more intelligent times to this conduct, says, " Every reader will make his own reflections upon it. I have but one to make in this place. This method of forestalling the judgment of a court in a case of blood then depending, at a time too when the judges were removeable at the pleasure of the crown, doth no honour to the memory of the persons concerned in a transaction so insidious and unconstitutional, and at the same time weakeneth the authority of the judgment."

And speaking of Bacon, he says, " Avarice, I think, was not his ruling passion; but whenever a false ambition, ever restless and craving, overheated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who live and die under its dominion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man; both contract his views into the little point of self interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour. Bacon having undertaken the service, informeth his majesty, in a letter addressed to him, that with regard to three of the judges, whom he nameth, he had small doubt of their concurrence. ' Neither,' saith he, ' am I wholly out of hope that my lord Coke himself, when I have, in some dark manner, put him in doubt that he shall be left alone, will not continue singular.' These are plain naked facts; they need no comment.

When Bacon was Chancellor.

It will be remembered that Sir Francis was appointed Lord Keeper on the 3rd of March, and that he did not take his seat in the court until the 7th of May, but he had scarcely been entrusted with the seals when an application was made to him out of court by Buckingham on behalf of a suitor, in a letter which explains in a postscript that similar applications had been made to Sir Francis's predecessor; and similar applications were, as a matter of course, made during the whole time he was entrusted with the great seal. This will appear from the following letters:

To the Lord Keeper. (a)

My honourable Lord,—Whereas the late Lord Chancellor thought it fit to dismiss out of the Chancery a cause touching Henry Skipwith to the common law, where he desireth it should be decided; these are to entreat your lordship in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place where now it is, that without more vexation unto him in posting him from one to another, he may have a final hearing and determination thereof.

And so I rest your Lordship's ever at command, G. BUCKINGHAM.

My Lord, This is a business wherein I spake to my Lord Chancellor, whereupon he dismissed the suit.—Lincoln, the 4th of April, 1617.

(a) This is the first of many letters, which the Marquis of Buckingham wrote to Lord Bacon, in favour of persons who had causes depending in, or likely to come into the court of Chancery; and it is not improbable that such recommendations were considered in that age as less extraordinary and irregular than they would appear now. The marquis made the same kind of applications to Lord Bacon's successor, the Lord Keeper Williams, in whose life, by Bishop Hacket, part i. p. 107, we are informed, that " there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the lord keeper's patron." Birch.

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To the Lord Keeper.

My honourable Lord,—His majesty hath spent some time with Sir Lionel Cranfield about his own business, wherewith he acquainted his majesty. He hath had some conference with your lordship, upon whose report to his majesty of your zeal and care of his service, which his majesty accepteth very well at your hands, he hath commanded Sir L. Cranfield to attend your lordship, to signify his farther pleasure for the furtherance of his service; unto whose relation I refer you. His majesty's farther pleasure is, you acquaint no creature living with it, he having resolved to rely upon your care and trust only. Thus, wishing you all happiness, I rest your Lordship's faithful friend and servant,

October 26, 1617. G. BUCKINGHAM.

To the Lord Keeper.

My honourable Lord,—I have thought good to renew my motion to your lordship, in the behalf of my Lord of Huntingdon, my Lord Stanhope, and Sir Thomas Gerard; for that I am more particularly acquainted with their desires; they only seeking the true advancement of the charitable uses, unto which the land, given by their grandfather, was intended; which, as I am informed, was meant by way of a corporation, and by this means, that it might be settled upon the schoolmaster, usher, and poor, and the coheirs to be visitors. The tenants might be conscionably dealt withal; and so it will be out of the power of any feoffees to abuse the trust; which, it hath been lately proved, have been hitherto the hindrance of this good work. These coheirs desire only the honour of their ancestor's gift, and wish the money, misemployed and ordered to be paid into court by Sir John Harper, may rather be bestowed by your lordship's discretion for the augmentation of the foundation of their ancestors, than by the censure of any other. And so I rest your Lordship servant, G. BUCKINGHAM.

Theobalds, Nov. 12.—Indorsed, 1617.

To the Lord Keeper.

My honourable Lord,—Though I had resolved to give your lordship no more trouble in matters of controversy depending before you, with what importance soever my letters had been, yet the respect I bear unto this gentleman hath so far forced my resolution, as to recommend unto your lordship the suit, which, I am informed by him, is to receive a hearing before you on Monday next, between Barnaby Leigh and Sir Edward Dyer, plaintiffs, and Sir Thomas Thynne, defendant; wherein I desire your lordship's favour on the plaintiff's so far only as the justice of their cause shall require. And so I rest your Lordship's faithful servant, G. BUCKINGHAM.

Newmarket, Nov. 15.—Indorsed, 1617.

To the Lord Keeper.

My honourable Lord,—The certificate being returned upon the commission touching Sir Richard Haughton's alum-mines, I have thought fit to desire your lordship's furtherance in the business, which his majesty, as your lordship will see by this letter, much affecteth as a bargain for his advantage, and for the present relief of Sir Richard Haughton. What favour your lordship shall do him therein, I will not fail to acknowledge, and will ever rest your Lordship's faithful servant, G. BUCKINGHAM.

Indorsed, Received Nov. 16, 1617.

To the Lord Keeper.

My honourable Lord,—Understanding that Thomas Hukeley, a merchant of London, of whom I have heard a good report, intendeth to bring before your lordship in Chancery a cause depending between him, in the right of his wife, daughter of William Austen, and one John Horsmendon, who married another daughter of the said Austen; I have thought fit to desire your lordship to give the said Thomas Hukeley a favourable hearing when his cause shall come before

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you; and so far to respect him for my sake, as your lordship shall see him grounded upon equity and reason, which is no more than I assure myself your lordship will grant readily, as it is desired by

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Indorsed, Nov. 17, 1617.

To the Lord Keeper.

My honourable Lord,—His majesty hath been pleased to refer a petition of one Sir Thomas Blackstones to your lordship, who being brother-in-law to a gentleman whom I much respect, Sir Henry Constable, I have, at his request, yielded to recommend his business so far to your lordship's favour, as you shall find his case to deserve compassion, and may stand with the rules of equity. And so I rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Dec. 4.—Indorsed, 1617.

To the Lord Chancellor.

My honourable good Lord,—Whereas in Mr. Hansbye's cause, (*a*) which formerly, by my means, both his majesty and myself recommended to your lordship's favour, your lordship thought good, upon a hearing thereof, to decree some part for the young gentleman, and to refer to some masters of the Chancery, for your farther satisfaction, the examination of witnesses to this point; which seemed to your lordship to be the main thing your lordship doubted of, whether or no the leases, conveyed by old Hansbye to young Hansbye by deed, were to be liable to the legacies, which he gave by will; and that now I am credibly informed, that it will appear upon their report, and by the depositions of witnesses, without all exception, that the said leases are no way liable to those legacies: these shall be earnestly to intreat your lordship, that upon consideration of the report of the masters, and depositions of the witnesses, you will, for my sake, shew as much favour and expedition to young Mr. Hansbye in this cause, as the justness thereof will permit. And I shall receive it at your lordship's hands as a particular favour. So I take my leave of your lordship, and rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Greenwich, the 12th of June, 1618.

To the Lord Chancellor.

My honourable Lord,—Lest my often writing may make your lordship conceive that this letter hath been drawn from you by importunity, I have thought fit, for preventing of any such conceit, to let your lordship know, that Sir John Wentworth, whose business I now recommend, is a gentleman whom I esteem in more than an ordinary degree. And therefore I desire your lordship to shew him what favour you can for my sake in his suit, which his majesty hath referred to your lordship; which I will acknowledge as a courtesy unto me, and rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Jan. 26, 1618.

To the Lord Chancellor.

My honorable Lord,—I being desired by a special friend of mine to recommend unto your lordship's favour the case of this petitioner, have thought fit to desire you, for my sake, to shew him all the favour you may in this his desire,

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(*a*) This seems to be one of the causes, on account of which Lord Bacon was afterwards accused by the House of Commons; in answer to whose charge he admits, that in the cause of Sir Ralph Hansbye there being two decrees, one for the inheritance, and the other for goods and chattels; some time after the first decree, and before the second, there was 500*l.* delivered to him by Mr. Tobie Matthew; nor could his lordship deny, that this was upon the matter *pendente lite*.

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as you shall find it in reason to deserve; which I shall take as a courtesy from your lordship, and ever rest your Lordship's faithful friend and servant,

G. BUCKINGHAM.

I thank your lordship for your favour to Sir John Wentworth, in the dispatch of his business.

Newmarket, March 15, 1618.

To the Lord Chancellor.

My honourable Lord,—Understanding that there is a suit depending before your lordship between Sir Rowland Cotton, plaintiff, and Sir John Gawen, defendant, which is shortly to come to a hearing; and having been likewise informed that Sir Rowland Cotton hath undertaken it in behalf of certain poor people; which charitable endeavour of his, I assure myself, will find so good acceptation with your lordship, that there shall be no other use of recommendation; yet at the earnest request of some friends of mine, I have thought fit to write to your lordship in his behalf, desiring you to shew him what favour you lawfully may, and the cause may bear, in the speedy dispatch of his business; which I shall be ever ready to acknowledge, and rest your Lordship's most devoted to serve you,

G. BUCKINGHAM.

Whitehall, April 20, 1618.

To the Lord Chancellor.

My honorable Lord,—Understanding that the cause depending in the Chancery between the Lady Vernon and the officers of his majesty's household is now ready for a decree, though I doubt not but as his majesty hath been satisfied of the equity of the cause on his officers' behalf, who have undergone the business by his majesty's command, your lordship will also find their cause worthy of your favour, yet I have thought fit once again to recommend it to your lordship, desiring you to give them a speedy end of it, that both his majesty may be freed from farther importunity, and they from the charge and trouble of following it; which I will be ever ready to acknowledge as a favour done unto myself, and always rest your Lordship's faithful friend and servant,

Greenwich, June 15, 1618. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—I wrote unto your lordship lately in the behalf of Sir Rowland Cotton, that then had a suit in dependance before your lordship and the rest of my lords in the Star-Chamber. The cause, I understand, hath gone contrary to his expectation; yet he acknowledges himself much bound to your lordship for the noble and patient hearing he did then receive; and he rests satisfied, and I much beholden to your lordship, for any favour it pleased your lordship to afford him for my cause. It now rests only in your lordship's power for the assessing of costs; which, because, I am certainly informed, Sir Rowland Cotton had just cause of complaint, I hope your lordship will not give any against him. And I do the rather move your lordship to respect him in it, because it concerns him in his reputation, which I know he tenders, and not the money, which might be imposed upon him; which can be but a trifle. Thus presuming of your lordship's favour herein, which I shall be ready ever to account to your lordship for, I rest your Lordship's most devoted to serve you,

June 19, 1618. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—I have been desired by some friends of mine, in the behalf of Sir Francis Englefyld, to recommend his cause so far unto your lordship, that a peremptory day being given by your lordship's order for the perfecting of his account, and for the assignment of the trust, your lordship would take such course therein, that the gentleman's estate may be redeemed from farther trouble, and secured from all danger, by engaging those to whom the trust is

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now transferred by your lordship's order, to the performance of that whereunto he was tied. And so not doubting but your lordship will do him what lawful favour you may herein, I rest your Lordship's faithful friend and servant,

Indorsed—Received Oct. 14, 1618. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—Whereas there is a cause depending in the court of Chancery between one Mr. Francis Foliambe and Francis Hornsby, the which already hath received a decree, and is now to have another hearing before yourself; I have thought fit to desire you to shew so much favour therein, seeing it concerns the gentleman's whole estate, as to make a full arbitration and final end, either by taking the pains in ending it yourself, or preferring it to some other, whom your lordship shall think fit: which I shall acknowledge as a courtesy from your lordship, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Hinchingbroke, Oct. 22, 1618.

To the Lord Chancellor.

My honourable Lord,—Having formerly moved your lordship in the business of this bearer, Mr. Wyche, of whom, as I understand, your lordship hath had a special care to do him favour, according to the equity of his cause; now seeing, that the cause is shortly to be heard, I have thought fit to continue my recommendation of the business unto you, desiring your lordship to shew what favour you lawfully may unto Mr. Wyche, according as the justness of the cause shall require; which I will acknowledge as a courtesy from your lordship, and ever rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Nov. 18, 1618.

To the Lord Chancellor.

My honourable Lord,—I having understood by Dr. Steward, that your lordship hath made a decree against him in the Chancery, which he thinks very hard for him to perform; although I know it is unusual to your lordship to make any alterations, when things are so far past; yet in regard I owe him a good turn, which I know not how to perform but this way, I desire your lordship, if there be any place left for mitigation, your lordship would shew him what favour you may, for my sake, in his desires, which I shall be ready to acknowledge as a great courtesy done unto myself, and will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Dec. 2, 1618.

To the Lord Chancellor.

My honourable Lord,—I have written a letter unto your lordship, which will be delivered unto you in behalf of Dr. Steward; and besides, have thought fit to use all freedom with you in that, as in other things; and therefore have thought fit to tell you, that he being a man of very good reputation, and a stout man, that will not yield to any thing, wherein he conceiveth any hard course against him, I should be sorry he should make any complaint against you. And therefore, if you can advise of any course, how you may be eased of that burden, and freed from his complaint, without shew of any fear of him, or any thing he can say, I will be ready to join with you for the accomplishment thereof: and so desiring you to excuse the long stay of your man, I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

From Newmarket, Dec. 3, 1618.

To the Lord Chancellor.

My honourable Lord,—I thank your lordship for the favour, which I understand Sir Francis Englefyld hath received from your lordship upon my last letter, whereunto I desire your lordship to add this one favour more (which is the same that I understand your lordship granted him at Christmas last) to give him liberty for the space of a fortnight, to follow his business in his own person;

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whereby he may bring it to the more speedy end, putting in security according to the ordinary course, to render himself prisoner again as soon as that time is expired: which is all that I desire for him, and in which I will acknowledge your lordship's favour towards him, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Dec. 10, 1618.

To the Lord Chancellor.

My honourable Lord,—His majesty, upon a petition delivered by Mr. Thomas Digby, wherein he complaineth of great wrongs done unto him, hath been pleased, for his more speedy relief and redress, if it prove as he allegeth, to refer the consideration thereof unto your lordship. And because he is a gentleman whom I have long known and loved, I could not but add my desire to your lordship, that, if you find he hath been wronged, you would do him so much favour, as to give him such remedy as the equity of his case may require. For which I will ever rest your Lordship's faithful friend and servant,

Royston, Oct. 8, 1619. G. BUCKINGHAM.

To the Marquis of Buckingham.

My very good Lord,—This morning the duke came to me, and told me the king's cause was yesterday left fair; and if ever there were a time for my lord of Suffolk's submission, it was now; and that if my lord of Suffolk should come into the court and openly acknowledge his delinquency, he thought it was a thing considerable. My answer was, I would not meddle in it; and, if I did, it must be to dissuade any such course; for that all would be but a play upon the stage, if justice went not on in the right course. This I thought it my duty to let the king know by your lordship.

I cannot express the care I have had of this cause in a number of circumstances and discretions, which, though they may seem but small matters, yet they do the business, and guide it right. God ever keep your lordship.

Your Lordship's most obliged friend and faithful servant,

Oct. 21, 1619. FR. VERULAM, Canc.

To the Lord Chancellor.

My honourable Lord,—This bearer, a Frenchman belonging to the ambassador, having put an Englishman in suit for some matters between them, is much hindered and molested by often removing of the cause from one court to another. Your lordship knows that the French are not acquainted with our manner of proceedings in the law, and must therefore be ignorant of the remedy in such a case. His course was to his majesty; but I thought it more proper that your lordship would be pleased to hear and understand this case from himself, and then to advise and take order for his relief, as your lordship in your wisdom shall think fit. So commending him to your honourable favour, I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 27, 1619.

Your lordship shall do well to be informed of every particular, because his majesty will have account of it at his coming.

To the Lord Chancellor.

My honourable Lord,—His majesty hath been pleased, out of his gracious care of Sir Robert Killigrew, to refer a suit of his, for certain concealed lands, to your lordship and the rest of the commissioners for the Treasury; the like whereof hath been heretofore granted to many others. My desire to your lordship is, that he being a gentleman, whom I love and wish very well unto, your lordship would shew him, for my sake, all the favour you can, in furthering his suit. Wherein your lordship shall do me a courtesy, for which I will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Dec. 15, 1619.

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To the Lord Chancellor.

My honourable Lord,—I have been intreated to recommend unto your lordship the distressed case of the Lady Martin, widow of Sir Richard Martin, deceased, who hath a cause to be heard before your lordship in the Chancery, at your first sitting in the next term, between her and one Archer, and others, upon an ancient statute, due long since unto her husband; which cause, I am informed, hath received three verdicts for her in the common law, a decree in the Exchequer Chamber, and a dismission before your lordship; which I was the more willing to do, because I have seen a letter of his majesty to the said Sir Richard Martin, acknowledging the good service that he did him in this kingdom, at the time of his majesty's being in Scotland. And therefore I desire your lordship, that you would give her a full and fair hearing of her cause, and a speedy dispatch thereof, her poverty being such, that having nothing to live on but her husband's debts, if her suit long depend, she shall be inforced to lose her cause for want of means to follow it; wherein I will acknowledge your lordship's favour, and rest your Lordship's faithful friend and servant,

Whitehall, Jan. 13, 1620. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—Understanding that there hath been a long and tedious suit depending in the Chancery between Robert D'Oyley and his wife, plaintiffs, and Leonard Lovace, defendant; which cause hath been heretofore ended by award, but is now revived again, and was, in Michaelmas term last, fully heard before your lordship; at which hearing your lordship did not give your opinion thereof, but were pleased to defer it, until breviats were delivered on both sides; which, as I am informed, hath been done accordingly: now my desire unto your lordship is, that you will be pleased to take some time, as speedily as your lordship may, to give your opinion thereof, and so make a final end, as your lordship shall find the same in equity to deserve. For which I will ever rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Windsor, May 18, 1620.

To the Lord Chancellor.

My honourable Lord,—His majesty having made a reference of business to your lordship, concerning Sir Robert Douglas and Mr. David Ramsey, two of his highness's servants, whom he loveth, and whom I wish very well unto; I have thought fit to desire you to shew them all the favour your lordship may therein; which I will acknowledge, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

The reference comes in the name of my brother Christopher, because they thought it would succeed the better; but the prince wisheth well to it.

Farnham, the last of August, 1620.

Indorsed—Touching the business of wills.

To the Lord Chancellor.

My honourable Lord,—There is a business in your lordship's hands, with which Sir Robert Lloyd did acquaint your lordship; whereof the prince hath demanded of me what account is given. And because I cannot inform his highness of any proceeding therein, I desire your lordship to use all expedition that may be in making your answer to me, that I may give his highness some satisfaction, who is very desirous thereof. And so I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 14, 1620.

Indorsed—Touching the register of wills.

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To the Lord Chancellor.

My honourable Lord,—I desire your lordship to continue your favour to Sir Thomas Gerrard in the business concerning him, wherein I signified his majesty's pleasure to your lordship. And one favour more I am to intreat of your lordship in his behalf, that you will be pleased to speak to one of the assistants of the Chancellor of the Duchy, in whose court he hath a cause depending, as he will more fully inform your lordship himself, to see that he may have a fair proceeding according to justice; for which I will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 15, 1620.

Letters from other persons than Buckingham respecting Suitors of the Court of Chancery.

From the University of Cambridge.*

Right Honourable,—The confidence which the townsmen have, in obtaining their charter and petition, makes us bold and importunate suitors to your honour, by whose favour with his majesty and protection, we again humbly intreat the University and ourselves may be freed from that danger which by them is intended to us. By their own reports, it is a matter of honour and advantage for which they sue: when they were at the lowest, and in their meanest fortunes, they ever shewed themselves unkind neighbours to us; and their suits with us, within these few years, have caused us to spend our common treasury, and trouble our best friends, and therefore we cannot expect peace amongst them, when their thoughts and wills shall be winged and strengthened by that power and authority which the very bare title of a city will give unto them. Since our late letter to the right honourable Lord Chancellor, your honour, and his majesty's Attorney General, we (being better informed of the course they take, and of their confidence to prevail at the end of the next term) have sent letters from the body of the University to the King's majesty, the Lord Chancellor, and others, our honourable friends; shewing them of our fear, and their purpose, and to entreat them to join with your honour and us, to his majesty, to stay their suit before we be driven to further charge or trouble, in entertaining counsel, or soliciting our friends. Thus humbly entreating your honour to pardon our importunity, and often soliciting your lordship in this business, with our earnest prayers to the Almighty for your honour's long life and happy estate, we end this. Your Honour's in all duty to be commanded.

February, 1616.

Sir Francis Englefyld† to the Lord Keeper.

Right Honourable,—Give me leave, I beseech your lordship, for want of other means, by this paper to let your lordship understand, that notwithstanding

* Sloan MS. 3562. art. 41.

† This gentleman was very unfortunate in his behaviour with regard to those who had the great seal; for in Hilary term of the year 1623-4 he was fined three thousand pounds by the Star Chamber, for casting an imputation of bribery on the Lord Keeper Williams, Bishop of Lincoln. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, dated at London, 1623-4. Sir Francis had been committed to the Fleet for a contempt of a decree in Chancery; upon which he was charged, by Sir John Bennet, with having said before sufficient witness, "that he could prove this holy bishop judge had been bribed by some that fared well in their causes." A few days after the sentence in the Star Chamber, the Lord Keeper sent for Sir Francis, and told him he would refute his foul aspersions, and prove upon him that he scorned the pelf of the world, or to exact, or make lucre of any man; and that, for his own part, he forgave him every penny of his fine, and would crave the same mercy towards him from the king.—Bishop Hacket's Life of Archbishop Williams, Part I. p. 83, 84.

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I rest in no contempt, nor have to my knowledge broken any order made by your lordship concerning the trust, either for the payment of money, or assignment of land; yet, by reason of my close imprisonment, and the unusual carriage of this cause against me, I can get no council, who will in open court deliver my case unto your lordship. I must therefore humbly leave unto your lordship's wisdom, how far your lordship will, upon my adversary's fraudulent bill exhibited by the wife without her husband's privity, extend the most powerful arm of your authority against me, who desire nothing but the honest performance of a trust, which I know not how to leave, if I would. So, nothing doubting but your lordship will do what appertaineth to justice, and the eminent place of equity your lordship holdeth, I must, since I cannot understand from your lordship the cause of my late close restraint, rest, during your lordship's pleasure, your lordship's close prisoner in the Fleet,

October 28, 1617. FR. ENGLEFYLD.

To the Lord Chancellor.

Most honourable Lord,—Herewithal I presumed to send a note inclosed, both of my business in Chancery, and with my Lord Roos, which it pleased your lordship to demand of me, that so you might better do me good *in utroque genere*. It may please your lordship, after having perused it, to commend it over to the care of Mr. Meautys for better custody.

At my parting last from your lordship, the grief I had to leave your lordship's presence, though but for a little time, was such, as that being accompanied with some small corporal indisposition that I was in, made me forgetful to say that, which now for his majesty's service I thought myself bound not to silence. I was credibly informed and assured, when the Spanish ambassador went away, that howsoever Ralegh and the prentices should fall out to be proceeded withal, no more instances would be made hereafter on the part of Spain for justice to be done ever in these particulars: but that if slackness were used here, they would be laid up in the deck, and would serve for materials (this was the very word) of future and final discontentments. Now as the humour and design of some may carry them towards troubling of the waters, so I know your lordship's both nature and great place require an appeasing them at your hands. And I have not presumed to say this little out of any mind at all, that I may have, to meddle with matters so far above me, but out of a thought I had, that I was tied in duty to lay thus much under your lordship's eye; because I know and consider of whom I heard that speech, and with how grave circumstances it was delivered.

I beseech Jesus to give continuance and increase to your lordship's happiness; and that, if it may stand with his will, myself may one day have the honour of casting some small mite into that rich treasury. So I humbly do your lordship reverence, and continue the most obliged of your Lordship's many faithful servants, TOBIE MATTHEW.

Nottingham, Aug. 21, 1618.

After the time of Lord Bacon.

Bishop Williams.

In part of his life Bishop Hackett says, "And within the compass of this time he says he dreamt the Lord Keeper was dead, and that he went by and saw his grave a making. And how doth he expound this vision which he saw in his sleep, but that he was dead in my Lord Buckingham's affections? Some are like to ask what it was that did the ill office to shake the steadfastness of their friendship? That will break out hereafter. But the quarrel began that some decrees had been made in Chancery for whose better speed my lord marquess had undertaken. An undertaker he was without confinement of importunity. There was not a cause of moment but as soon as it came to publication one of the parties brought letters from this mighty peer and the lord keeper's patron. For the lord marquess was of a kind nature, in courtesy more

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luxuriant than was fit in his place, not willing to deny a suit but prone to gratify all strangers, chiefly if any of his kindred brought them in his hand, and was far more apt to believe them that asked him a favour, than those that would persuade him it was not to be granted. These that haunted him without shame, to have their suits recommended to great officers, made him quickly weary of his faithful ministers that could not justly satisfy him. I had mentioned none but that I am beholden to the cabal to fall upon one, the worst of twenty. Sir John Michel, of whose unreasonableness the Lord Keeper writes thus: 'God is my witness I have never denied either justice or favour (which was to be justified) to this man, or any other that had the least relation to your good and most noble mother. And I hope your lordship is persuaded thereof.'"

The Lord Keeper to the Duke about the Lord Treasurer.

My most noble Lord,—That I neither wrote unto your lordship, nor waited upon your lordship sithence my intolerable scandalizing by the Lord Treasurer, this is the true and only cause: I was so moved to have all my diligent service, pains, and unspotted justice thus rewarded by a lord, who is reputed wise, that I have neither slept, read, written, or eaten any thing since that time; until the last night, that the ladies sent for me (I believe of purpose) to Wallingford House, and put me out of my humour. I have lost the love and affection of my men, by seizing upon their papers, perusing all their answers to petitions, casting up their monies, received by way of fees (even to half-crowns and two shillings) and finding them all to be poor honest gentlemen, that have maintained themselves in my service by the greatness of my pains, and not the greatness of their fees. They are, most of them, landed men, that do not serve me for gain, but for experience and reputation; and desire to be brought to the test, to show their several books, and to be confronted by any one man, with whom they contracted, or from whom they demanded any fee at all; the greatest sum in their books is five pounds, and those very few, and sent unto them from earls and barons; all the rest are, some twenty shillings, ten shillings, five shillings, two shillings and sixpence, and two shillings. And this is the oppression in my house, that the kingdom (of the common lawyers, peradventure, who have lost, I confess, hereby twenty thousand pounds at the least, saved in the purses of the subjects) doth now groan under.

Now I humbly beseech your lordship to peruse this paper here inclosed, and the issue I do join with the Lord Treasurer; and to acquaint (at the least) the king and the prince, how unworthily I am used by this lord; who (in my soul and conscience I believe it) either invents these things out of his own head, and ignorance of this court, or hath taken them up from base, unworthy, and most unexperienced people. Lastly, because no act of mine (who am so much indebted for all my frugality) could in the thoughts of a devil incarnate, breed any suspicion that I gained by this office, excepting the purchase of my grandfather's lands, whereunto my Lord Chamberlain's nobleness, and your lordship's encouragement, gave the invitation, I do make your lordship (as your lordship hath been often pleased to honor me) my faithful confessor in that business, and do send your lordship a note inclosed, what money I paid, what I borrowed, and what is still owing for the purchase.

I beseech your lordship to cast your eye upon the paper, and lay it aside, that it be not lost. And having now poured out my soul and sorrow into your lordship's breast, I find my heart much eased, and humbly beseech your lordship to compassionate the wrongs of your most humble and honest servant,

Sept. 9, 1622. J. L. C. S.

The Lord Keeper to the Duke, concerning Sir John Michel.

My most noble Lord,—In the cause of Sir John Michel, which hath so often wearied this court, vexed my lady your mother, and now flieth (as it seemeth) unto your lordship, I have made an order the last day of the term, assisted by the Master of the Rolls and Mr. Baron Bromley in the presence, and with the full consent of Sir John Michel, who then objected nothing against the same;

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but now in a dead vacation, when both the adverse party and his counsel are out of town, and that I cannot possibly hear otherwise than with one ear, he clamours against me (most uncivilly), and would have me, contrary to all conscience and honestly reverse the same. The substance of the order is not so difficult and intricate, but your lordship will easily find out the equity or harshness thereof.

Sir Lawrence Hide makes a motion in behalf of one Strelley (a party whose face I never saw), that whereas Sir John Michel had put a bill into this court against him, and one Sayers, five years ago for certain lands and woods, (determinable properly at the common law) and having upon a certificate betwixt himself and Sayers, without the knowledge of the said Strelley, procured an injunction from the last Lord Chancellor for the possession of the same, locks up the said Strelley with the said injunction, and never proceeds to bring his cause to hearing within five years.

It was moved, therefore, that either Sir John's bill might be dismissed to a trial at the common law, or else that he might be ordered to bring it to hearing in this court, with a direction to save all wastes of timber trees (in favour of either party, that should prove the true owner) until the cause should receive hearing.

Sir John being present in court, made choice of this last offer, and so it was ordered accordingly. And this is that order, that this strange man hath so often of late complained of to your mother, and now, as it seemeth, to your lordship. God is my witness, I have never denied either justice or favour (which was to be justified) to this man, or any other, that had the least relation to your good and most noble mother. And I hope your lordship is persuaded thereof. If your lordship will give me leave (without your lordship's trouble) to wait upon you, at any time this day, your lordship shall appoint, I would impart two or three words unto your lordship, concerning your lordship's own business.

Aug. 8, 1622.

Present Times.

That it is customary in the present times for suitors to solicit the judges, every person who has any knowledge of human nature, or has been in any judicial situation must well know. The hope of success and the belief in the justice of his case are passions too strong to restrain suitors from attempting to intercede with the judge. I have again and again heard Lord Eldon, and I think I may say every chancellor, complain of these applications; and as a commissioner of bankrupts even, scarcely a month passes without some application being made to me.

Suitors' Presents.

Was it customary for suitors in the time of Lord Bacon to make presents to the judges?

1. Preface.
2. Custom in former times.
   - Homer.
   - Plutarch.
   - Merchant of Venice.
3. Custom in foreign countries.
   - Epices.
4. Inquiry whether presents were made to judges in England.
   - *Before time of James.*
   - 21 Henry VI.
   - Sir Thomas More.
   - *Time of James.*

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Before time of Bacon.
Proof that similar presents were made to other statesmen.

After time of Bacon.
Bishop Williams.

After time of James.
Sir M. Hale.

Present times.

Preface.

It is, says Lord Bacon, (a) a secret in the art of discovery, that the nature of any thing is seldom discovered in the thing itself. If this doctrine is true, it may be expedient in entering upon this inquiry, to ascertain what has been the custom in other times and in other countries, with respect to solicitations and presents being made by the suitors to the judges.

Custom in former times.

Homer.

Λαοὶ δ' εἰν ἀγορῇ ἔσαν ἀθρόοι· ἔνθα δὲ νεῖκος
Ὠρώρει· δύο δ' ἄνδρες ἐνείκεον εἵνεκα ποινῆς
Ἀνδρὸς ἀποφθιμένου· ὁ μεν εὔχετο παντ' ἀποδοῦναι
Δήμῳ πιφαυσκων· ὁ δ' ἀναίνετο μηδὲν ἑλέσθαι·
Ἀμφω δ' ἰέσθην ἐπὶ ἴστορι πεῖραρ ἑλέσθαι.
Λαοὶ δ' ἀμφοτέροισιν ἐπήπυον, ἀμφὶς ἀρωγοί·

(a) *The nature of any thing is seldom discovered in the thing itself.*—It commonly happens, that men make experiments slightly, and as in the way of diversion, somewhat varying those already known; and if they succeed not to their expectation, they grow sick of the attempt, and forsake it. Or, if they apply in earnest to experiments, they commonly bestow all their labour upon some one thing, as Gilbert upon the loadstone, and the alchemists upon gold. But this procedure is as unskilful as it is fruitless: for no man can advantageously discover the nature of any thing in that thing itself; but the inquiry must be extended to matters that are more common.

And if any one applies himself to nature, and endeavours to strike out something new, yet he will generally propose and fix upon some one invention, without further search: for example, the nature of the loadstone, the tides, the theory of the heavens, and the like; which seem to conceal some secret, and have been hitherto unsuccessfully explained; whereas it is, in the highest degree, unskilful to examine the nature of any thing in that thing itself. For the same nature which in some things lies hid and concealed, appears open and obvious in others, so as to excite admiration in the one, and to pass unobserved in the other; thus the nature of consistence is not taken notice of in wood or stone, but slighted under the term of solidity, without further inquiry into its avoidance of separation, or solution of continuity; whilst the same thing appears subtile and of deeper inquiry, in bubbles of water, which throw themselves into their skins of a curious hemispherical figure, in order, for the instant, to avoid a solution of continuity.

And again, those very things which are accounted secrets, have, in other cases, a common and manifest nature, which can never be discovered whilst the experiments and thoughts of men run wholly upon them.

Whoever shall reject the feigned divorces of superlunary and sublunary bodies; and shall intentively observe the appetences of matter and the most universal passions, which in either globe are exceeding potent, and transverberate the universal nature of things, he shall receive clear information concerning celestial matters from the things seen here with us: and contrariwise from those motions which are practised in heaven, he shall learn many observations which now are latent, touching the motion of bodies here below, not only so far as their inferior motions are moderated by superior, but in regard they have a mutual intercourse by passions common to them both.

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Κήρυκες δ' ἄρα λαὸν ἐρήτυον· οἱ δὲ γέροντες
Εἵατ' ἐπὶ ξεστοῖσι λίθοις, ἱερῷ ἐνὶ κύκλῳ·
Σκῆπτρα δὲ κηρύκων ἐν χερσ' ἔχον ἠεροφώνων·
Τοῖσιν ἔπειτ' ἤϊσσον, ἀμοιβηδὶς δ' ἐδίκαζον·
Κεῖτο δ' ἄρ' ἐν μέσσοισι δύο χρυσοῖο τάλαντα,
Τῷ δόμεν, ὃς μετὰ τοῖσι δίκην ἰθύντατα εἴπῃ.

Ιλιαδος Σ.

There in the forum swarm a numerous train,
The subject of debate, a townsman slain.
One pleads the fine discharged, which one denied,
And bade the public and the laws decide.
The witness is produced on either hand;
For this or that, the partial people stand.
The appointed heralds still the noisy bands,
And form a ring with sceptres in their hands.
On seats of stone, within the sacred place,
The reverend elders nodded for the case.
Alternate each th' attesting sceptre took,
And rising solemn each his sentence spoke:
Two golden talents lay amidst in sight
The prize of him who best adjudg'd the right.

Plutarch.

By supplying the people with money for the public diversions, (*a*) and for their attendance in courts of judicature, and by other pensions and gratuities, he (Pericles) so inveigled them as to avail himself of their interest against the council of the Areopagus, &c.

Merchant of Venice.

The following passage in the Merchant of Venice originates in the same principle.

After Portia has pronounced judgment, there is the following dialogue:

BASSANIO. Most worthy gentleman, I and my friend
Have by your wisdom been this day acquitted
Of grievous penalties: in lieu whereof
Three thousand ducats due unto the Jew,
We freely cope your courteous pains withal.
ANT. And stand indebted over and above
In love and service to you evermore.
PORTIA. He is well paid who is well satisfied,
And, I, delivering you, am satisfied,
And therein do account myself well paid.
My mind was never yet more mercenary.
I pray you know me when we meet again;
I wish you well, and so I take my leave.
BAS. Dear sir, of force I must attempt you further.
Take some remembrance of us as a tribute,
Not as a fee; grant me two things, I pray you,
Not to deny me and to pardon me.
POR. You press me far, and therefore I will yield.
Give me your gloves; I'll wear them for your sake
And for your love. I'll take this ring from you.

(*a*) There were several courts of judicature in Athens, composed of a certain number of the citizens, who sometimes received one obolus each for every cause they tried; and sometimes men who aimed at popularity procured this fee to be increased.—Translator's note. Plutarch's Lives. Langhorne. Life of Pericles.

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Do not draw back your hand. I'll take no more
And you in love shall not deny me this.
BAS. This ring, good sir—alas! it is a trifle;
I will not shame myself to give you this.
POR. I will have nothing else but only this,
And now, methinks I have a mind to it.

Custom in Foreign Countries.

Montesquieu, B. 28, c. 35. Of Costs. Montesquieu says, that in former times costs were not payable. The chapter then concludes thus: "The custom of appeals naturally introduced that of giving costs. Thus Défontaines says, that when they appealed by written law, that is, when they followed the new laws of St. Lewis, they gave costs; but that in the usual custom, which did not permit them to appeal without falsifying the judgment, no costs were allowed. They obtained only a fine and the possession for a year and a day of the thing contested, if the cause was remanded to the lord.

But when the number of appeals increased, from the new facility of appealing; when by the frequent usage of those appeals from one court to another, the parties were continually removed from the place of their residence; when the new method of proceeding multiplied and perpetuated the suits; when the art of eluding the very justest demands was refined; when the parties at law knew only how to fly in order to be followed; when actions proved destructive, and pleas easy; when the arguments were lost in whole volumes of writings; when the kingdom was filled with members of the law who were strangers to justice; when knavery found encouragement from mean practitioners, though discountenanced by the law; then it was necessary to deter litigious people by the fear of costs. They were obliged to pay costs for the judgment, and for the means they had employed to elude it. Charles the Fair made a general ordinance on that subject.

Epices.

Epice, en terme de jurisprudence, ne s'emploie qu'au plurier, et on entend, par ce mot, des droits en argent que les juges de plusieurs tribunaux sont autorisés à recevoir des parties pour la visite des procès par écrit. Ces sortes de rétributions sont appellées endroit sportulæ ou species, mots qui signifient toutes sortes de fruits en général, et singulièrement des aromates; du dernier l'on a fait en françois épices, terme qui comprenoit autrefois toutes sortes de confitures, parce qu'avant la découverte des Indes, et que l'on eût l'usage du sucre, on faisoit coupre les fruits avec des aromates, et on en faisoit aux juges des présens, ce qui leur fit donner le nom d'épices.

L'origine des épices, même en argent, remonte jusq'aux Grecs.

Homère, Iliade VI. dans la description qu'il fait du jugement qui étoit figuré sur la bouclier d'Achille, rapporte qu'il y avoit deux talens d'or posés au milieu des juges, pour donner a celui qui opineroit le mieux. Ces deux talens étoient alors, il est vrai, de peu de valeur; car Budée, en son IVe liv. de asse, en parlant de talento homerico, prouve par un autre passage du XXIVe de Iliade que ces deux talens d'or étoient estimés moins qu'un chauderon d'airain. Plutarque, en la vie de Périclès, fait mention d'un usage qui a encore plus de rapport avec les épices; il dit que Périclès fut le premier qui attribua aux juges d'Athènes des salaires appellés prytanées, parce qu'ils se prenoient sur les deniers que les plaideurs consignoient à l'entrée du procès dans la prytanée, qui étoit un lieu public destiné à rendre la justice. Cette consignation étoit du dixième, mais tout n'étoit pas pour les juges: on prenoit aussi sur ces deniers le salaire des sergens; celui du juge étoit appellé το δικαστικον.

A Rome, tous les magistrats et autres officiers avoient des gages sur la fisc, et faisoient serment de ne rien exiger des particuliers. Il étoit cependant permis aux gouverneurs de recevoir de petits présens appellés xenia; mais cela étoit limité à des choses propres à manger ou boire dans trois jours. Dans la suite, Constantin abolit cet usage, et défendit à tous ministres de la justice d'exiger ni même de recevoir aucuns présens, quelque légers qu'ils fussent; mais Tri-

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bonien, qui étoit lui-même dans l'usage d'en recevoir, ne voulut pas insérer cette loi dans le code de Justinien.

L'empereur lui-même se relâcha de cette sévérité par rapport aux juges d'un ordre inférieur; il permit, par sa novelle 15. chap. 6, aux défenseurs des cités de prendre, au lieu de gages, quatre écus pour chaque sentence définitive; et en la novelle 82, chap. 19, il assigne aux juges pedanées quatre écus pour chaque procès, à prendre sur les parties, outre deux marcs d'or de gages qu'ils avoient sur le public.

Ces épices étoient appellées "sportulæ," de même que la salaire des appariteurs et autres ministres inférieurs de la jurisdiction, ce qui venoit de sporta, qui étoit une petite corbeille où l'on recueilloit les petits présens que les grands avoient coutume de distribuer à ceux qui leur faisoient la cour.

Par les dernières constitutions grecques, la taxe des épices se faisoit en égard à la somme dont il s'agissoit; comme de cent écus d'or on prenoit un demi-écu, et ainsi des autres sommes à proportion, suivant que le remarque Théophile, § tripl. instit. de action.

On appelloit aussi, les épices des juges pulveratica, comme on lit dans Cassiodore, lib. xii. variar, où il dit, pulveratica olim judicibus præstabantur; pulveraticum étoit le prix et la récompense du travail, et avoit été ainsi appellé en faisant allusion à cette poussière dont les lutteurs avoient coutume de se couvrir mutuellement lorsqu'ils alloient au combat, afin d'avoir plus de prise sur leur antagoniste. Quelques-uns ont cru qu'anciennement en France les juges ne prenoient point d'épices; cependant outre qu'il est probable que l'on y suivit d'abord le même usage que les Romains y avoient établi, on voit dans les loix des Visigoths, liv. xi. tit. 2, chap. 15, qui étoient observés dans toute l'Aquitaine qu'il étoit permis au rapporteur de prendre un vingtième, vigesimum, solidum pro labore et judicatâ causâ ac legitimé deliberatâ. Il est vrai que le conseil de Verneuil tenu l'an 884 au sujet de la discipline ecclésiastique, défendit à tous juges ecclésiastiques ou laïques de recevoir des épices, ut nec episcopus, nec abbas, nec ullus laicus pro justitiâ faciendâ sportulas accipiat. Mais il paroit que cela ne fut pas toujours observé; en effet, dès le temps de St. Louis, il y avoit certaines amendes applicables au profit du juge, et qui dans ces cas tenoient lieu d'épices. On voit, par example, dans l'ordonnance que ce prince fit en 1254, que celui qui louoit une maison à quelque ribaude, étoit tenu de payer au bailli du lieu, ou au prévôt ou au juge, une somme égale au loyer d'une année.

Ce même prince en abolissant une mauvaise coutume qui avoit été longtemps observée dans quelques tribunaux, par rapport aux dépens judiciaires et aux peines qui devoient supportez ceux qui succomboient, ordonne qu'au commencement du procès les parties donneront des gages de la valeur du dixième de ce qui fut l'objet du procès; que dans toute la cour du procès on ne levera rien pour les dépens; mais qu'à la fin du procès celui qui succombera, paiera à la cour la dixième partie de ce à quoi il sera condamné, ou l'estimation; que si les deux parties succombent, chacune en quelque chef, chacune paiera à proportion des chefs auxquels elle aura succombé; que les gages seront rendus après le jugement, à la partie qui aura gagné, que ceux qui ne pourront pas trouver des gages, donneront caution, &c.

Ce dixième de l'object du procès que l'on appelloit decima litium, servoit à payer les dépens dans lesquels sont compris les droits des juges. Il étoit alors d'usage dans les tribunaux laïques, que le juge sous prétexte de fournir au salaire de ses assesseurs, exigeoit des parties ce dixième, ou quelque autre portion, avec les dépenses de bouche qu'ils avoient faites, ce qui fut défendu aux juges d'église par Innocent III. suivant le chap. 10, aux décrétales de vita et honestate clericorum, excepté lorsque le juge est obligé d'aller aux champs et hors de sa maison; le chapitre cum ab omni, et le chapitre statutum, veulent en ce cas que le juge soit défrayé.

Il n'étoit pas non plus alors d'usage en cour d'église de condamner aux dépens: mais en cour laie il y avoit trois ou quatre cas où l'on y condamnoit, comme il paroît par le chap. 92 des établissemens de S. Louis en 1270, et ce même chap. fait mention que la justice prenoit un droit pour elle.

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Les privilèges accordés à la ville d'Aigues, mortes par le roi Jean, au mois de fevrier 1360, portent que dans cette ville les juges ne prendront rien pour les actes de tutèle, curatelle, émancipation, adoption, ni pour la confection des testamens et ordonnances qu'ils donneroient; qu'ils ne pourroient dans aucune affaire faire faisir les effets des parties pour sûreté des frais, mais que quand l'affaire seroit finie, celui qui auroit été condamné paieroit deux sous pour livre de la valeur de la chose si c'étoit un meuble ou de l'argent; que si c'étoit un immeuble, il paieroit le vingtième en argent de sa valeur, suivant l'estimation; que si celui qui avoit perdu son procès, ne pouvoit en même temps satisfaire à ce qu'il devoit à sa partie et aux juges, la partie seroit payée par préférence.

Il y eut depuis quelques ordonnances qui défendirent aux juges, même laïques, de rien recevoir des parties; notamment celle de 1302, rapportée dans l'ancien style du parlement, en ces termes; " præfati officiarii nostri nihil penitus exigant à subjectis nostris."

Mais l'ordonnance de Philippe de Valois, du 11 Mars 1344, permit aux commissaires députés du parlement, pour la taxe des dépens, ou pour l'audition, des témoins, de prendre chacun dix sous parisis pour jour, outre les gages du roi.

D'un autre côté, l'usage s'introduisit que la partie qui avoit gagné son procès, en venant remercier ses juges, leur présentoit quelques boîtes de confitures sèches au de dragées, que l'on appelloit alors épices. Ce qui étoit d'abord purement volontaire passa en coutume, fut regardé comme un droit et devint de nécessité: ces épices furent ensuite converties en argent; on se trouve deux exemples fort anciens avant même que les épices entrassent en taxe: l'un est du 12 Mars, 1369; le sire de Tournon, par licence de la cour, sur sa requête, donna vingt francs d'or pour les épices de son procès jugé, laquelle somme fut partagée entre les deux rapporteurs; l'autre est que le 4 juillet 1371 un conseiller de la cour, rapporteur d'un procès, eut après le jugement de chacune des parties six francs.

Mais les juges ne pouvoient encore recevoir des épices ou présens des parties qu'en vertu d'une permission spéciale, et les épices n'étoient pas encore toujours converties en argent. En effet, Charles VI. par des lettres du 17 Mars 1395, pour certaines causes et considérations, permit à Guillaume de Sens, Pierre Boschet, Henri de Marle, et Ymbert de Boissy, présidens au parlement, et à quelques conseillers de cette cour, que chacun d'eux pût, sans aucune offense, prendre une certaine quantité de queues de vin à eux données par la reine de Jérusalem et de Sicile, tante du roi.

Papon, en ses arrêts, tit. des épices, rapporte un arrêt du 7 Mai, 1384, qu'il dit avoir jugé qu'en taxant les dépens de la cause principale, on devoit taxer aussi les épices de l'arrêt.

Cependant du Luc, liv. v. de ses arrêts, tit. 5, art. 1, en rapporte un postérieur du 17 Mars 1403, par lequel il fut décidé que les épices, qu'il appelle tragemata, n'entroient point en taxe, lorsqu'on en accordoit aux rapporteurs.

Il rapporte encore un autre arrêt de la même année qui énonce que dans les affaires importantes et pour des gens de qualité, on permettoit aux rapporteurs de recevoir deux on trois boîtes de dragées; mais l'arrêt défend aux procureurs de rien exiger de leurs parties sous ombre d'épices.

Ces boîtes de dragées se donnoient d'abord avant le jugement pour en accélérer l'expédition: les juges regardèrent ensuite cela comme un droit, tellement que dans quelques anciens registres du parlement on lit en marge, non deliberetur donec solvantur species; mais comme on reconnut l'abus de cet usage, il fut ordonné par un arrêt de 1437, rapporté par du Luc, liv. iv. tit. 5, art. 10, qu'on ne paieroit point les épices au rapporteur, et qu'on ne lui distribueroit point d'autre procès qu'il n'eût expédié celui dont il étoit chargé. Il appelle en cet endroit les épices dicastica, ce qui feroit croire qu'elles étoient alors converties en argent.

On se plaignit aux états de Tours tenus en 1483, que la venalité des offices induisoit les officiers à exiger de grandes et excessives épices, ce qui étoit d'autant plus criant qu'elles ne passoient point encore en taxe: cependant l'usage

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en fut continué, tellement que, par un arrêt du 30 Novembre, 1494, il fut décidé que les épices des procès jugés sur lesquels les parties avoient transigé, devoient être payées par les parties et non par le roi; et ce ne fut que par un réglement du 18 Mai, 1502, qu'il fut ordonné qu'elles entreroient en taxe.

L'ordonnance de Roussillon, art. 31, et celle de Moulins, art. 14, défendirent aux juges presidiaux; et autres juges inférieurs, de prendre des épices excepté pour le rapporteur.

La chambre des comptes fut autorisée à en prendre par des lettres-patentes du 11 décembre, 1581, registrées en ladite chambre le 24 mars, 1582.

Il y a cependant encore plusieurs tribunaux où l'on ne prend point d'épices, tels que le conseil du roi, les conseils de guerre.

Les épices ne sont point accordées pour le jugement général, mais pour la visite du procés.

L'édit du mois d'août 1669 contient un réglement général pour les épices et vacations.

Il ordonne que par provision et en attendant que S. M. se trouve en etat d'augmenter les gages des officiers de judicature, pour leur donner moyen de rendre la justice gratuitement, les juges, même les cours, ne puissent prendre d'autres épices que celles qui auront été taxées par celui qui aura presidé, sans qu'aucun puisse prendre ne recevoir de plus grands droits, sous prétexte d'extraits, de sciendum, ou d'arrêts; ce qui est conforme à ce qui avoit déjà été ordonné par l'art. 127 de l'ordonnance du Blois, qui veut que la taxe en soit faite sur les extraits des rapporteurs qu'ils auront faits eux-mêmes et que l'on y use de modération.

Celui qui a présidé, doit écrire de sa main au bas de la minute du jugement, la taxe des épices, et le greffier en doit faire mention sur les grosses et expéditions qu'il délivre. Si le président de la compagnie est rapporteur de l'affaire, c'est l'officier qui le suit immédiatement dans l'ordre du tableau, qui doit faire la taxe des épices en prenant l'avis de ceux qui ont assisté au jugement du procés.

Au châtelet de Paris, il est d'usage que le président et le rapporteur taxent les épices, quand elles n'excèdent par trois cens livres; mais quand elles sont au-dessus, elles se règlent à la pluralité des voix par la compagnie, ainsi qu'il se pratiquoit autrefois dans les bailliages, sénéchaussés, présidiaux, et prévôtés.

M. Duperray, en son traité des dixines, chap. xii. fait mention d'une déclaration du roi, dont il ne dit pas la date, qui remit, a ce qu'il dit, aux juges subalternes les épieces mal prises, en payant une taxe. Il paroit être d'avis que cette taxe ne dispense par ces juges de faire restitution a ceux dont ils ont exigé induement des épices.

La taxe des épices doit être proportionée au travail, au nombre des séances employées à la visite du procés, et à l'importance de l'affaire, sans avoir égard au nombre des juges, ni à la valeur des choses, en litige, ni à la qualité des parties litigantes. On ne doit en taxer aucunes pour les procés qui sont évoqués, ou dont la connoissance est interdite aux juges, encore que le rapporteur en eût fait l'extrait, et qu'ils eussent été mis sur le bureau, et même vus et examinés.

Il en est de même de tous les jugemens rendus sur requête et des jugemens en matière bénéficiale; lorsqu'après la communication au parquet toutes les parties sont d'accorde de passer appointement sur la maintenue du bénéfice contentieux, s'il intervient arrêt portant que les titres et capacités des parties seront vus.

Il est défendu aux juges, à peine de concussion, de taxer ou prendre des épices: 1°. pour les arrêts, jugemens ou sentences, rendus sur la requête d'une partie, sans que l'autre ait été entendue, à moins qu'il ne soit question d'une affaire criminelle, et qu'il n'y ait des procés verbaux ou informations joints à la requête: 2°. dans les causes civiles, où les procureurs du roi, et ceux des seigneurs sont parties à moins qu'il ne s'agisse de gros procès domaniaux: 3°. en matière de police, quand les procureurs du roi, ou fiscaux sont seuls parties: 4°. en matière criminelle, lorsqu'il n'y a point de parties civiles, et que le procès se poursuit à la requête du ministère public: 5°. dans les jugemens de

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compétence pour les sentences de provision, pour les jugemens definitifs rendus sur des procédures, où il n'y a ni récollement ni confrontation : 6°. pour le jugement des affaires sommaires ou qui n'excèdent pas le valeur de 100 liv. 7°. dans les affaires qui se jugent à l'audience, ou sur le bureau, ou qui se délibèrent sur le registre : 8°. pour l'audition des comptes des villes et des hôpitaux, et en général pour tout jugement interlocutoire ou de simple instruction.

Un arrêt des grands jours de Clermont, avoit defendu aux juges de prendre des épices des parties qu'il ssavoient être pauvres et conformémément a cette règle le parlement de Toulouse avoit établi que l'on n'en prendroit pas dans le procès des religieux mendians à moins que le jugement ne fût en leur faveur, parce qu'alors ils en obtiennent le remboursement de leur partie adverse.

Il fut créé en 1581 et 1586 des offices de receveurs des épices dans les différens tribunaux de royaume : ceux du Beaujolois furent supprimés en 1588, les autres en 1626 et reunis aux offices de gressiers et de maîtres-clercs des greffes. Mais par édit du mois de fevrier 1629, on retablit tous ceux qui avoient été reçus et installés, et qui n'avoient point été remboursés. Ensuite on en créa d'alternatifs et de triennaux, qui ont été suprimés ou réunis. Il y a eu encore nombre d'autres créations et suppressions, dont le détail seroit trop long ; il suffit d'observer que dans quelques tribunaux ces officiers sont en titre d'office, dans d'autres ils sont par commission.

L'édit de 1669 porte que les épices seront payées par les mains des greffiers, ou autres personnes chargées par l'ordre des compagnies qui en tiendront régistres, sans que les juges ou leurs clercs puissent les recevoir par les mains des parties ou autres personnes.

Il est défendu aux greffiers, sous peine d'amende, de refuser la communication du jugement, quoique les épices et vacations n'aient pas été payées. Mais on ne peut les obliger à délivrer l'expédition du jugement avant le paiement des épices.

Louis XII. avoit donné une ordonnance qui autorisoit les piges à user de contrainte contre les parties pour leurs épices ; mais cette ordonnance ne fut pas véripée, on permettoit seulement aux juges de se pouvoir par requête, suivant les arrêts, rapportés par Guenois ; usage qui a été aboli, aussi bien que celui de faire consigner les épices avant le jugement, comme cela s'observoit dans quelques parlemens ; ce qui fut abrogé par une déclaration du 26 fevrier, 1683, et autres à-peu-prés du même temps.

Présentement les juges, soit royaux, on des seigneurs ne peuvent décerner en leur nom, ni en celui de leurs greffiers, aucun exécutoire pour les épices, à peine de concussion ; mais on peut en délivrer exécutoire à la partie qui les a déboursées. Il est également défendu aux juges, aux greffiers et à tous les autres officiers de justice, de prendre aucune promesse ou obligation, soit sous leur nom, soit sous celui d'autres personnes, pour les épices, droits et vacations qui peuvent leur appartenir.

Les procureurs généraux et procureurs du roi, et leur substituts sont aussi autorisés à prendre des épices pour les conclusions qu'ils donnent dans les affaires de rapport. Mais ils ne peuvent en prendre dans le cas où il est défendu aux juges de le faire.

Lorsque la taxe, que les premiers juges ont faite des épices, est excessive, les juges supérieurs doivent, en prononçant sur l'appel de la sentence, ordonner la restitution de ce qui a été pris de trop, et même, suivant les circonstances, les condamner à plus grande peine. Il n'est pas même nécessaire d'entendre le juge dans ses défenses, quoiqu'il puisse se pouvoir par opposition contre le jugement qui lui enjoint de restituer. Un arrêt du conseil du 21 Août, 1684, servant de règlement pour les présidiaux du Languedoc, ordonne que les restitutions d'épices, prononcées par le parlement contre les juges des sénéchaussés, seront poursuivies à la diligence du procureur-général : et à la diligence de ses substituts, lorsqu'elles auront été ordonnés par jugement présidial et en dernier ressort, contre les juges inférieurs.

La distribution des épices se fait entre le rapporteur et les officiers des sièges suivant l'usage et chaque compagnie.

Les épices ont le même privilège que les dépens, pour la contrainte par corps,

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et elles doivent être payées par préférence à toute autre dette. Elles ne sont pas aussi faisissables, et sont payées par provision, nonobstant l'appel.

Mr. Butler's Life of the Chancellor de l'Hôpital.

In Mr. Butler's life of the Chancellor Michel de l'Hôpital there are three chapters upon the Chancellor's wish to reform abuses in the administration of justice.

1st. The abolition of the sale of law offices.
2nd. The abolition of the custom of making presents by the suitors to the judges.
3rd. The abolition of fees to counsel.

The second chapter, upon "the abolition of the custom of making presents by the suitors to the judges," the only important chapter relating to the present subject is annexed.

CHAP. X.—The Chancellor l'Hôpital wishes to abolish the Epices.

Another reformation in the administration of justice, which l'Hôpital wished to effect, was the abolition of the épices, or presents made, on some occasions, by the parties in a cause, to the judges by whom it was tried.

A passage in Homer, (24 Il.) where he describes a compartment in the shield of Achilles, in which two talents of gold were placed between two judges, as the reward of the best speaker, is generally cited to prove, that even in the earliest times, the judges were paid for their administration of justice; but an attentive reader will probably agree with Mr. Mitford in his construction of this passage, that the two talents were not the reward of the judge who should give the best opinion, but the subject of the dispute, and were to be adjudged to him, who established his title to them by the best arguments.—Plutarch mentions, that, under the administration of Pericles, the Athenian magistrates were first authorized to require a remuneration from the suitors of their courts. In ancient Rome, the magistrates were wholly paid by the public; but Justinian allowed some magistrates of an inferior description to receive presents, which he limited to a certain amount, from the suitors before them. Montesquieu (Esprit des Loix, L. xxviii. ch. 35), observes, that "in the early ages of the feudal law, when legal proceedings were short and simple, the lord defrayed the whole expense of the administration of justice in his court. In proportion as society became refined, a more complex administration of justice became necessary; and it was considered that not only the party who was cast, should, on account of his having instituted a bad cause, but that the successful party should, on account of the benefit which he had derived from the proceedings of the court, contribute, in some degree, to the expenses attending them; and that the public, on account of the general benefit which it derived from the administration of justice, should make up the deficiency." To secure to the judges the proportion which the suitors were to contribute towards the expense of justice, it was provided, by an ordonnance of St. Louis, that at the commencement of a suit, each party should deposit in court the amount of one tenth part of the property in dispute: that the tenth deposited by the unsuccessful party should be paid over to the judges on their passing sentence; and that the tenth of the successful party should then be returned to him. This was varied by subsequent ordonnances. Insensibly it became a custom for the successful party to wait on the judges, after sentence was passed, and, as an acknowledgment of their attention to the cause, to present them with a box of sweetmeats, which were then called *épices*, or spices. By degrees, this custom became a legal perquisite of the judges; and it was converted into a present of money, and required by the judges before the cause came to hearing: *Non deliberetur donec solventur species*, say some of the ancient registers of the parliaments of France. That practice was afterwards abolished; the amount of the épices was regulated; and, in many cases, the taking of them was absolutely forbidden. Speaking generally, they were not payable till final judgment; and, if the

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matter were not heard in court, but referred to a judge for him to hear, and report to the court upon it, he was entitled to a proportion only of the épices, and the other judges were entitled to no part of them. Those among the magistrates who were most punctual and diligent in their attendance in court, and the discharge of their duty, had most causes referred to them, and were therefore richest in épices; but the superior amount of them, however it might prove their superior exertions, added little to their fortune, as it did not often exceed 50*l.* and never 100*l.* a year. The judges had some other perquisites, and also some remuneration from government; but the whole of the perquisites and remuneration of any judge, except those of the presidents, amounted to little more than the épices. The presidents of the parliament had a higher remuneration: but the price which they paid for their offices was proportionably higher, and the whole amount, received by any judge for his épices, perquisites, and other remunerations, fell short of the interest of the money which he paid for the charge; so that it is generally true, that the French judges administered justice not only without salary, but even with some pecuniary loss. Their real remuneration was the rank and consideration which their office gave them in society, and the respect and regard of their fellow citizens. How well does this illustrate Montesquieu's aphorism, that the principle of the French monarchy was honour! It may be truly said, that the world has not produced a more learned, enlightened, or honourable order in society, than the French magistracy.

Englishmen are much scandalised when they are informed that the French judges were personally solicited by the suitors in court, their families and protectors, and by any other person whom the suitors thought likely to influence the decision of the cause in their favour. But it all amounted to nothing:—to all these solicitations the judges listened with equal external reverence, and internal indifference; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room: it was a corvée on their time which they most bitterly lamented.

Inquiry whether Presents were made to Judges in England.

Before time of James.—21 Henry VI.

Receiving presents was a practice neither uncommon among his predecessors in that court, nor, I believe, imputed to them for unrighteousness. This will appear plainly by the curious anecdote that follows; which I myself copied from the original manuscript, in the possession of Henry Wise, Esq. of Hampton Court. (*a*)

Declarant etiam executores predicti quod ipsi ad speciale rogatum prædicti domini Henrici fili docti Domini nuper comitis, quod erat eis ad preceptum, dederunt Domino Cancellario Angliæ, 1 shaving bacyn argenti, quæ erat predicti domini patris sui, viz. Ad excitandum dictum Dominum Cancellarium fore benevolum et benefacientem materiis dicti Domini Henrici in curiis Domini regis pendentibus pretium VIII£.

Declarant etiam executores predicti quod ipsi dederant Domini Archi. Cantuariæ Cancellario Angliæ, J. saultauri ad similitudinem Cervi jacentis facti, quod erat dicti domini nuper comitis, appretiatum ad £40. 16*s.* 8*d.* ad intentionem ut ipse Dom. Archi. et Canc. suum bonum Dominum et auxilium dictis executoribus favorabiliter ostenderet et faceret in certis materiis que versus eosdem executores ad grave prejudicium et impedimentum debite executionis testamenti et ultime voluntatis dicti Domini nuper comitis subtiliter movebantur; ad valentiam sicut predicitur.

This paper is called, Declaracio Thomæ Huggeford, Nicoli Rody et Willi. Berkswel presbyter. These were executors and feoffees of Richard Beauchamp, Earl of Warwick, and this declaration was made in the 21st year of Henry the Sixth, to account for certain plate, jewels, and so forth, which had come into their hands as his executors.

(*a*) I copied this some years ago, but I have forgotten from whence.

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Sir Thomas More.

Life of Sir Thomas More.

His integrity in his office was sufficiently proved by the reduced state of his circumstances when he resigned the seals; but there are two or three anecdotes which will serve to illustrate this part of his character.

After his fall, the Earl of Wiltshire, the father of Anne Boleyne, preferred a complaint against him to the council for having taken a bribe from one Vaughan. Sir Thomas confessed that he had received the cup from the hands of Vaughan's wife, but immediately ordering the butler to fill it with wine, he drank to her, and when she had pledged him, says he, "as freely as your husband hath given this cup to me, even so freely give I the same to you again, to give to your husband for his new year's gift."

At another time one Gresham having a cause depending in Chancery, sent Sir Thomas a fair gilt cup, the fashion of which pleased him so well, that he caused one of his own, of more value to be delivered to the messenger for his master, nor would he receive it on any other condition.

Being presented by a lady with a pair of gloves, and forty pounds in angels in them, he said to her, "Mistress, since it were against good manners to refuse your new year's gift, I am content to take your gloves, but as for the lining, I utterly refuse it."

The following anecdote of More is given by Lord Bacon in his Essays:—A person who had a suit in Chancery sent him two silver flagons, not doubting of the agreeableness of the present. On receiving them, More called one of his servants, and told him to fill those two vessels with the best wine in his cellar; and turning round to the servant who had presented them, "Tell your master," replied the inflexible magistrate, "that if he approves my wine, I beg he would not spare it."

Presents made temp. Jac.

Sir Augustine Nicholls.

Before the time of Lord Bacon.—In Lloyd's life of Sir Augustine Nicholls, who was one of the judges in the time of James the First, he says, "He had exemplary integrity even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him that he might be secured from all appearance of corruption.

When the charge was made against Lord Bacon, the following observation was made in the House of Commons, as appears in the Journals of Lunæ 26° Martii, 19° Jacobi.—*Alford.* That the Chancery hindereth commerce at home. Many things propounded about the Lord Chancellor. Thinketh he took gratuities; and the Lord Chancellor before, and others before him. Hath a ledger-book, where 30*s.* given to a secretary, and 10*l.* to a Lord Chancellor, for his pains in hearing a cause. Will proceed from Chancellor to Chancery: will offer heads, to be considered by a committee. The Chancery to be confined to breach of trust, covin, and accident. Not to have our wills, or gift of lands, questioned, where no fraud.

That before the time of Lord Bacon it was customary to make presents to the Chancellor may, as it seems, be collected from the nature of the charges made against Lord Bacon, from which it appears that presents were made to him within a few hours after he was entrusted with the seals; that they were made publicly, and as a matter of course, by men of eminence who were counsel in the cause, and were made generally after the cause was decided, and by both parties to the suit, and had not any influence upon the judgment. Now as Lord Bacon held the great seals only four years, it is scarcely possible to suppose that such a custom could, during this short interval, have originated, and thus extensively and deeply pervaded the profession.

That they were made openly appears from the following facts.

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They were made by counsel in the cause and persons of eminence. In his answer to the 24th, 25th, and 26th charges in which the Chancellor was accused of having received presents from the companies of Grocers and Apothecaries, he says, "If I had taken it in the nature of a bribe, I knew it could not be concealed, because it must be put to the account of the three several companies." On the 20th of March Sir Richard Young said, in the House of Commons, that, when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it. Sir Edward Coke said, "It was strange to him that this money should be thus openly delivered, and that one Gardner should be present at the payment of the £200."

The Charges.

That it was customary for presents to be made by the suitors to the Chancellor in the time of Lord Bacon, may be collected from his lordship's answers to the charges which were preferred against him.

In the first charge, which was in the case of Egerton and Egerton, the cause was heard by the Chancellor, with the assistance of Lord Hobart, and the present was made some days after the decision was pronounced. Unless it was customary in these times to receive presents, why was the present made after the cause was decided? His words are: "I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognizances reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award with the advice and consent of my Lord Hobard; the award was perfected and published to the parties, which was in February. Then some days after the £300. mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then in Midsummer term following a suit was begun in Chancery to have the award confirmed, and upon that suit was the decree made mentioned in the article.

The second charge is in the same cause. In the first charge the present was made on behalf of Rowland Egerton, one of the suitors. In the second charge it was made on behalf of Edward Egerton, the other suitor; and on his behalf the presents were made by men of eminence, Sir George Hastings, and Sir Richard Young, counsel in the cause, and members of parliament. Unless, therefore, it can be supposed that the whole bar could be accessary to crime, and that suitors could be so wild as to imagine that the judgments would be influenced by money presented by both parties, it seems to follow that it was customary to receive presents. It appears also in the Chancellor's answer to this second charge, that the presents were made soon after his coming to the seals, when presents were made by many. His words are: "I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the £400. mentioned in the said charge was delivered unto me in a purse, and as I now call to mind from Mr. Edward Egerton, but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come."

To the third charge, which was the case of Hody and Hody, the present was also made after the decision, and made by Sir Thomas Perrott, who was, I suspect, counsel in the cause, and was a present of gold buttons worth £50. which, even if it had been before the decision, can scarcely be supposed to be the bribe that would be made to influence the judgment in a cause of great inheritance. His words are; "I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended it being a suit for a great inheritance there was gold buttons about the value of £50. as is mentioned in the charge presented unto me, as I remember by Sir Thomas Perrott and the party himself."

In the fifth charge, which was in Sir Thomas Monck's case, the present was made three quarters of a year after the decree, and it was made by Sir Henry

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Holmes, who was probably one of the counsel for Sir Thomas Monck. His words are: "I confess it to be true that I received a hundred pieces; but it was long after the suit ended, as is contained in the charge."

In the sixth charge, which was in the cause of Trevor and Ascue, the present was made by some person on the part of Sir John Trevor, and after issue directed, and was presented, as seems to have been customary, as a new year's gift. His words are: "I confess and declare, that I received as a new year's gift £100. from Sir John Trevor; and because it came as a new year's gift, I neglected to inquire whether the cause was ended or depending, but since I find that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind pendente lite.

In the seventh charge, which was in the case of Holman and Young, the present was made either by Mr. Tobie Matthew or by Mr. Young, and made after the cause was ended. Mr. Tobie Matthew was the son of Dr. Matthew, Archbishop of York. He was an intimate friend of Lord Bacon's. He was a lover of intellectual pursuits, and translated Lord Bacon's Essays into Italian. He was a religious and conscientious man. He submitted to great privations for ten years (from 1607 to 1617) on account of his religious opinions, having been seduced by Father Parsons to the Catholic religion. He was knighted by King James, 1623.

Is it possible to suppose that such a man would have offered these presents, unless it was in compliance with a general custom? Is not Bishop Taylor right when, in his Essay on Friendship, he says, "He that does a base thing in zeal for his friend burns the golden thread that ties their hearts together."

His words are: "I confess and declare, that as I remember, a good while after the cause ended I received £100. either by Mr. Tobie Matthew, or from Young himself; but whereas I have understood that there was some money given by Holman to my servant Hatcher, to that certainly I was never made privy."

In the eighth charge, which was in the case of Fisher and Wrenham, a suit of hangings was given by Mr. Shute, who was I conceive counsel in the cause, and after the cause was decided. It was given towards finishing his house, as others, no ways suitors, did about that time present him. His words are: "I confess and declare that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others, that were no way suitors, did present me with the like about that time."

The 10th charge, which was in the cause of Vanlore, the fact of a loan of £1000. was so far from being a secret that Lord Bacon wrote to a friend about the king, stating that he owed the money, and wished it to be set off against a sum due from him for a fine. His words are: "I confess and declare, that I borrowed the money in the article set down, and that this is a true debt; and I remember well that I wrote a letter from Kew, about a twelvemonth since, to a friend about the king, wherein I desired, that whereas I owed Peter Vanlore £2000. his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

The eleventh charge, which was in the cause of Scott and Lenthall, the present was made after the decree, by Mr. Shute, whom, as I have before stated, I conceive to have been counsel on behalf of Scott; and in the charge, which was in the same cause, a present was made by his servant Sherborn, on behalf of Sir John Lenthall, who seems not to have been an adverse party, but some third person who was benefited. His words are: "I confess and declare, that some fortnight after, as I can remember, that the decree passed, I received £200. as from Mr. Scott, by Mr. Shute; but precedent, promise, or transaction by Mr. Shute, certain I am I know of none."

The thirteenth charge, which was in the cause of Worth and Manwaring, which was a cause for a valuable inheritance, the present was made by Mr. Worth, some months after the cause was ended, which was ended not after conflict but by consent. His words are: "I confess and declare, that this

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cause being a cause for inheritance of good value, was ended by my arbitrament and consent of parties, so a decree passed of course, and some months after the cause was ended, the £100. mentioned in the said article was delivered to me by my servant Hunt.

The fourteenth charge, which was in the cause of Sir Richard Hurdsley, the present was made by Mr. Tobie Matthew. His words are: "I confess and declare that there were two decrees, one, as I remember, for the inheritance, and the other for the goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said £500. was delivered unto me by Mr. Tobie Matthew; so as I cannot deny but it was, upon the matter, pendente lite.

The sixteenth charge, which was in the cause of Aubrey and Brucker, the present was made by Sir George Hastings and Mr. Jenkins. His words are: "I do confess and declare that the sum was given and received, but the manner of it I leave to witnesses."

In the seventeenth charge, which was in Lord Montagu's cause, the present was made after the decree. His words are: "I confess and declare there was money given, and, as I remember, to Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed, but I cannot say it was ended; for there have been many orders since caused by Sir Francis Inglefield's contempts, and I do remember that when Thelwall brought the money, he said that my lord would be yet further thankful if he could once get his quiet, to which speech I gave little regard."

In the eighteenth charge, which was in the cause of Drunck, the present was made by Mr. Thelwall, as it seems after the decree. His words are: "I confess and declare that it was delivered by Mr. Thelwall to Hatcher, my servant, for me, as I think sometime after the decree, but I cannot precisely inform myself of the time."

In the nineteenth charge, which was in the cause of Reynell and Pencival, the present of £200. was made by Sir George Reynell, a near relation, before any suit commenced, at his first coming to the seals: a diamond ring, pendente lite, as a new year's gift. His words are: "I confess and declare, that at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered to me £200. from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding, further, that he had received divers former favours from me, and this was, as I verily think, before any suit begun; the ring was certainly received pendente lite, and though it were at New Year's tide, it was of too great a value for a New Year's gift, though, as I take it, nothing near the value mentioned in the charge."

The twentieth charge, which was the cause of Peacock, the present was made, at Lord Bacon's first coming to the seal, and when no suit was pending. His words are: "I confess and declare, that I received of Mr. Peacock £100. at Dorset House, at my first coming to the seal, as a present, at which time no suit was begun; and at the summer after, I sent my then servant Lister to Mr. Rolfe, my good friend and neighbour at St. Albans to use his means with Mr. Peacock, who was accounted a monied man for the borrowing of £500. and after by my servant Hatcher for borrowing of £500. more, which Mr. Rolfe procured; and told me at both times it should be without interest, script, or note, and that I should take my own time for payment of it."

In the twenty-second charge, which was in the cause of Raswell, the present was made months after the decree, which was made with the assistance of two judges. His words are: "I confess and declare that I received money from my servant Hunt, as from Mr. Raswell, in a purse; and whereas the sum in the article being indefinite, I confess it to be £300. or £400., and it was about some months after the cause was decreed; in which decree I was assisted by two of the judges."

In the twenty-third charge, which was in the cause of Barker, the present was made some time after the decree. His words are: "I confess and declare, that the sum mentioned in the article was received from Mr. Barker some time after the decree passed."

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In the twenty-fourth, twenty-fifth, and twenty-sixth charges, which were in a cause between the companies of Grocers and Apothecaries, presents were made by both parties, and after the cause was terminated; and in this case it is clear it was considered a public act. He admits the several sums to have been received of the three parties, but alleges, "that he considered those presents as no judicial business, but a concord of composition between the parties: and as he thought they had all three received good, and they were all common purses, he thought it the less matter to receive what they voluntarily presented; for if he had taken it in the nature of a bribe, he knew it could not be concealed, because it must be put to the account of the three several companies."

Des Cartes.

Hence Des Cartes, in his History of England, says: "Coke was not yet ashamed to accuse Bacon of corruption for what had been done by all his predecessors without reproach. It had been a practice, perhaps from the time that our kings had ceased to take money for the purchase of writs, to sue in their courts, for suitors to make presents to the judges who sat in them, either in New Year's tide, or when their causes were on the point of coming to an hearing: it was a thing of course, not considered in the nature of a bribe, being universally known, and deemed an usual or honorary perquisite. Mr. Alford, one of the most eminent members in the House of Commons observed, "That in the leiger books of his family there were entries of 30s. paid to a secretary, and £10. to a Lord Chancellor for his pains in hearing a cause, and that this passed from Chancellor to Chancellor: it seems indeed generally allowed that former Chancellors had received the like gratuities as were given to Bacon. A blot is none till it is hit, but it was now made use of to ruin the present Chancellor, who had been charged in vain by Coke as one of the referees of Mompressin's patents whilst he was attorney; but he, not appearing to have been of the number, got clear of that accusation, either for this reason, or because it was not thought proper to prosecute the others.

Proof that it was the custom of the times for similar presents to be made to other statesmen.

To Sir Robert Cecil.

Sir,—Your honour knoweth my manner is, though it be not the wisest way, yet taking it for the honestest, to do as Alexander did by his physician in drinking the medicine and delivering the advertisement of suspicion; so I trust on, and yet do not smother what I hear. I do assure you, sir, that by a wise friend of mine, and not factious toward your honour, I was told with asseveration, that your honour was bought by Mr. Coventry for 2000 angels; and that you wrought in a contrary spirit to my lord your father. And he said further, that from your servants, from your lady, from some counsellors that have observed you in my business, he knew you wrought under hand against me. The truth of which tale I do not believe; you know the event will show, and God will right. But as I reject this report, (though the strangeness of my case might make me credulous,) so I admit a conceit that the last messenger my lord and yourelf used, dealt ill with your honours; and that word (speculation) which was in the Queen's mouth rebounded from him as a commendation, for I am not ignorant of those little arts. Therefore, I pray, trust not him again in my matter. This was much to write, but I think my fortune will set me at liberty, who am weary of asserviling myself to every man's charity. Thus, I, &c.

By the following letters it appears that similar presents were made to other statesmen:

Foulke Grevill, Esq. to Mr. Francis Bacon.

Mr. Francis Bacon,—Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had a lodging nearer than my uncle's, which is four miles off. This day I came

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thither to dinner, and waiting for to speak with the Queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remained as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you; which it pleased her majesty to confess, that indeed you began to frame very well, insomuch as she saw an amends in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-Chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will one hundred pounds to fifty pounds that you shall be her solicitor and my friend; in which mind and for which mind I commend you to God. From the court, this Monday in haste,

Your true friend to be commanded by you, FOULKE GREVILL.

We cannot tell whether she come to ———, or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.

Indorsed—17th of June, 1594.

Letter from Lord Salisbury to Mr. Hyckes.

Mr. Hycks,—I pray you return to Mr. Owen thanks for that whereof this nieu years gyft is the signe; for though these externall things are welcome to many for themselfs, yet I ptest (protest) to me they are nonly (not unacceptable) because I know they are not sent with opinion to purchass my good will, but to demonstrate theirs: for otherwise I do take it rather unkindly of friends then otherwise to have any such things given me. For your fine instruments to way (weigh) perl I thank you, and till I see you will end your loving Friend,

Mr. Michael Hickes, RO. CECYLL.

3 Jan. 1601-2.

Letter from F. Courtney to Mr. Hyckes.

Good Mr. Hyckes,—Your well approved faythful kindness hath mad me have boldness towards you to entreate healpe and direction in a late fallen office, what is by the death of Mr. Rycassius, one of the clerks of the sygnet; and for that my Lord Treasurer's furtherance maye muche avayle me, I doe most earnestly entreatt your helpe in the procuringe thereof, only to second the sute, when by some other yf it please him, not the Queen hath moved; and in my thankfulness I will deliver unto whom he will please to appoint £100. and to yourself 100 angels. And that my office which I have may be no hindrance, you know my attendance in court will be but one month, and my place at Southampton affords a deputie; so as all objection of denyal (if therein it stand) will be taken away. Thus much have I presumed upon you, whereof I entreate your answer, and even so do most heartily salute you, wishing you all happiness.

Dytton, this 28th of Apryll. Ever yours, FRA. COURTENAY.

To the worshipful my very good friend,
Mr. Michall Hyckes, at the court.

Letter from Bishop of Durham to Lord Burleigh.

Right Honourable,—Your L. having alwaies been an especiall patron to the see of Duresme, wherein it hath now pleased God and her majesty to place me, thoughe unworthie; and myself reaping the fruite of your L. and extraordinarie furtherance in obtayning the same, I could not without great note of ingratitude (the monster of nature) but yelde your L. some signification of a thankful

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minde. And seeking by all good means, but contrary to myne expectation, not finding any office or other particular presentlie voyde, either fitt for me to offer your lordship, or sure for your L. to receive at my hande, I have presumed in lieu thereof to present your good lordship with an hundred pounds in golde, which this bringer will deliver to your L. It is no recompense any waie proportionable, I confesse, to your lordship's great goodnesse towards me, but onely a sclender token of my dutie most bounden to your L. and a pledge of my service alwaies to be at your L. commandment afore and above any man alive, which I beseech your lordship to accept in such part as is simply and faithfully meant. And so desyring the continuance and encrease of your L. honorable opinion and favour, of the which I shall endeavour, by God's grace, your L. shall never repent yourselfe. I most humblie betake your good L. to the blessed tuition of the Almighty. Your Lordship's most humble and bounden,

April, 1595. TOBIAS DUNELM.

To the Right Honorable my singular goode Lorde,
the Lord Burleigh, Lord H. Treasurer of England.

Lansd. 72. Art. 72.

Good Mr. Hickes,—With my hastye commendations, and as many thanks as there ys farthings in twentye pounds, which I have sent ye by this bearer; and I pray ye be twice as bolde with me in any thing that I can pleasure ye withall. My Lorde Keeper hath preferred me to a greate offyce in this cuntry, that is, to be a collector of the ffyffteenths, which yf my lorde hadd known me very well, what for my ylnes and my unableness to travell, I have no doubte but that he would have pardoned me, but nowe there is no remadye. I must needs follow my collections, which will make me to vysite you this next terme; and therefore I praye you, if I chance to be behinde hand, I will require your friendshippe to be a meane to my lord to give me some dayes till I may get it up. I have no good thinge presentlie to pleasure you withal, but at my cominge up, if I do know of any good thinge in the country, you shall be sure if it lye in me to gett it to have it. And so I doe ende the 15 daye of Oct. 1592.

Yo. assured friend, MAURICE BERKLY.

To the worshipful and assured good friende,
Mr. Michael Hyckes, geve theise.

From Mr. Michael Hyckes.

Although I had not received your kinde letter of remembrance by this gent. Mr. Buck, or had not been provoked by the cominge downe of so fit a bearer as he is to have written unto you, yet would I neither have forgotten my promise nor your many received friendships, who have nothinge else to requite them withal than an honest true affection towards you, whereof also I can make no other demonstration but in these pety kynde of offices now and then as occasions are offered (which I know are as welcome and acceptable to you as 20 faire angels laid in the hands of us poor bribers here in court).

(The remainder of the letter is on the preference of a country to a court life.)

To Mr. Manners. (No signature.)

Justys Younge being onne your ould suter, well hopes you may soune dispach her. Shee hath twyse been sent for, and by the messengers assured that if she will give the sum you knowe of, her sute shall presentlie be dispached, but she refused to hearken to it, restynge upon me. Wherefore, I pray you, sende me worde what you will doe. If you will dispach it, what I said shall be performed; if not give her liberty to seeke other, which I wish she should not neede. I pray you to write me worde whether my lorde to the court before th eremove. Your loving friend, GEORGE CUMBERLAND.

To my very loving friend, Mr. Hyckes,
Secretary to my L. Treasurer.

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This letter seems to involve Mr. Secretary Hicks in a suspicion of bribery. In which case it is strange that it should exist, unless it be argued that its preservation is rather a token of Mr. Hicks's innocence. But even his master was attacked in this manner. See the Duke of Wirtemburg's letter, No. 68. It is to be hoped that there the blame was altogether with him that sent the gyft.—Note by Mr. Douce, of the British Museum. 72 Lansd.

Sir,—Considering with myself the absolute disposition of my L. I hold it under your allowance very material to your better successe, that after you shall have spoken with Sir Thomas, who will offer the occasion if he meet with you, that you let my lorde understande of his inclination to give over, giving your motion to him as for one whom my L. affecting so as that Sir Thomas may seem rather to resolve of resignation from my L. his likinge than first desire my lorde to like of his particular resignation.

Sir, I am bould to present you with a very little mullet of sack, the which I will send to-morrow to Rucholles, noe waie I protest unto you as a recompense for your kindnesse, but as an obligation of my thankful disposition, the which, I know, you only regardinge, will receive with the same hande I give it, with the which likewise I presume to promise you fortie pounds either in golde or plate at your choyce, at my beinge possessed of the place with your good likinge and favor of my lorde your most honorable friend, neither will my thankfulnesse end in that and the interest in me in the worde of an honeste man shall for ever (continue) and howsoever it shall fall out, my ever respectes and thanks shall be in your good likinge: and so cravinge pardon for my boldnesse, I humbly take my leave, and rest your very lovinge and thankful friend to dispose of, RO. KAYLE.

My howse at Radcliffe, the 25 of Feb. 1604.

To the Right Worshipful Sir Michael Hickes,
knight in Austen Friere.

[MS. Lansdown. Mus. Brit. vol. 76. art. 68. original.]

Frederick, Duke of Wirtemberg, to Lord Burghley.

Monsieur,—Je ne doubte que vous ne soyez aduertij de ce que j'ay par cij deuant, comme mesmes auec ceste commodite, escrit et demande humblement a La Serenissime Royne d'Angleterre et de me laisser passer environ 1000 pieces de trap hors le renommé royaulme d'Icelle, librement et sans aulcun peage, et pource que je scay, que vous pourrez beaucoup en cest affaire. Je vous prye bien fort, vous ij employer. Affin que je puisse auoir vne bonne et brefue respounce, telle comme je le desire et demande, dont mon commis le present porteur a charge, vous je present de ma part vne chaine d'or pov. vos peines. Laquelle accepterez: s'il vous plaist de bon cueur. En tous lieux la on j'auray moyen de recognoistre cela en vre endroict j'en suis content de vous grattifiier a vre contentement, de telle volunte, comme apres mes affectionnees recommendatione. Prye dieu vous auoir.

Monsieur, en sa sainte digne garde. De Stuctgart ce 12me de Decembre, 1594. Vre bien affectionné, FRIDERICH.

A Monseigneur Monseigneur le Grandt
Tresorier dengleterre.

Bishop Williams.

The following is from Weldon:—This Williams, though he wanted much of his predecessor's abilities for the law, yet did he equal him for learning and pride, and beyond him in the way of bribery: this man answering by petitions, in which his servants had one part, himself another, and was so calculated to be worth to him and his servants £3000 per annum, by a new way never found out before.—Weldon, 450.

The explanation of this will be found in the following extracts from Hackett's Life of Bishop Williams:

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Among the qualities of a good judge there is one remaining and fit to bring up the rear, which the king looked upon as to be presaged in his new officer, '*an hand clean from corruption and taking gifts*,' which blind the eyes of the wise, and pervert the words of the righteous.—Deut. xvi. 19. It was loudly exclaimed, and the king was ashamed to have so far mistaken the persons, that there were sucking horse-leeches in great places. Things not to be valued at money were saleable, and what could not gold procure? As Menander writes,

Φίλοι δικαζαι, μαφτυρες,
μονον διδυ: αυτυς γαρ εξεις τυς θευς υπερετας.

That is, friends and judges and witnesses, you may have them for a price; nay, such as sit in the place of God will serve you for such wages. The wise king having little prevailed by monitions and menaces against this sordid filthiness, cast his liking upon a man whom he might least suspect for gripleness and bribery. The likeliest, indeed, of all others to shake this viper from his hand, and to be armed with a breastplate of integrity against the mammon of iniquity, for he was far more ready to give than to take, to oblige than to be beholdinge. "Magis illud laborari ut illi quamplurimi debeant," as Sallust of Jugurtha.

He was well descended of a fortunate and ancient lineage, and had made his progress to advancements by steps of credit, a good bridle against base deviations. What then made an unsavoury historian call him country pedant? A reproach with which H. L. doth flirt at him, in his history of King Charles, a scornful untruth. So I shake off this bar, and return to the reverend dean, who was in a function of holy calling next to God. Among them I know all have not been incorrupt: the sons of Samuel turned aside after lucre, and took bribes and perverted judgment. 1 Sam. viii. 3. But commonly, I trust, they do not forget what a scandal it is if God's stewards, turn the devil's rent gatherers. He was also unmarried and so unconcerned in the natural impulsion of avarice to provide for wife and children. Our old moral men touched often upon this string that justice is a virgin Παρθενυ εστι δικη, says Hesiod, and therefore fit to be committed to the trust of a virgin magistrate. He was never sullied with suspicion that he loved presents: no not so much as Gratuidad di Guantes as the Spaniards phrase is, but to go higher, they are living that know what sums of value have been brought to his secretaries, such as might have swayed a man that was not impregnable, and with how much solicitousness they have been requested to throw them at his feet for favours already received, which no man durst undertake, as knowing assuredly it would displace the broker, and be his ruin. And it was happy for him, when five years after lime-hounds were laid close to his footsteps to hunt him, and every corner searched to find a tittle of that dust behind his door. But it proved a dry scent to the inquisitors, for to his glory, and shame to his enemies, it could never appear that the least birdlime of corruption did stick to his fingers.

Among the exceptions with which Lord Cranfield did exagitate him, one may require a larger answer than he thought him worthy of in that humour. He replies to him very briefly to him in the laconic form, because such brittle ware would break with a touch. The treasurer was misinformed or coined it out of his own head. That the Keeper dispatched great number of cases by hearing petitions in his chamber, and he did usually reverse decrees upon petitions. That £40,000 had been taken in one year among his servants by such spurious and illegitimate justice.

That he did much work by petitions and treble as much in the first year as in those that succeeded, it is confessed. First, the hindrances had been so great which the court sustained before he began to rectify them, that unless he had allowed poor men some furtherance by motions or petitions, they had been undone for want of timely favour.

Secondly, all high potentates and magistrates under them have ever employed some at their hand to give answers to supplicants that made requests unto them.

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Therefore, to straiten his course against all presumption of errors, he directed two remonstrances; the first, to the lord marquis, September the 8th, the other to his majesty, October the 9th, 1622, which follow as he penned them.

My most noble Lord,—I am half ashamed of myself that any man durst be so shameless as to lay upon me the least suspicion of corruption in that frugality of life, poverty of estate, and retiredness from all acquaintance or dependencies wherein I live; but I have learnt one rule in the law, that knaves ever complain of generalities. And I long to be charged with any particular; petitions are things that never brought to any man in my place either profit or honour, but infinite trouble and molestation. Three parts of four of them are poor men's, and bring not a penny to my secretaries. The last part are so slighted and disrespected by my orders, that they cannot be to my secretaries (whom I take to be honest men, and well provided for) worth their trouble or attendance. All petitions that I answer are of these kind. First, for ordinary writs to be signed by my hand; secondly, for motions to be made in court; thirdly, for to be placed in the paper of peremptories; fourth, for license to beg; fifth, for referring for insufficient answers; sixth, for a day to dispatch references recommended from the king; seventh, for reigling commissions to be dispatched to the country; eighth, for my letter to the next justices to compound braules; ninth, for commissions of bankrupts, certiorari, especial stay of an extent until counsel be heard, &c. Let any man that understands himself be questioned by your lordship whether any of these poor things can raise a bribe or a fee worth the speaking of. I protest I am fain to allow £20. a year to a youth in my chamber, to take care of the poor men's petitions, the secretaries do so neglect them.

In a while after thus to the King:

May it please your most excellent Majesty to pardon the first boldness of this kind of interrupting your majesty. Although I do find by search those particular charges of chamber orders, showed unto me by my most noble Lord Admiral, to be falsely laid and wilfully mistaken, as being either binding decrees or solemn orders pronounced in open court, and pursued only to processes of execution by these private directions; yet do I find withal, and I have advisedly and with mature deliberation, upon my entering into this office, made many dispatches upon the petitions of the subjects to mine own great trouble, and to the ease of their partes many thousand pounds in the compass of this year. For that motion, which upon a petition will cost the party nothing if it be denied, nor above five shillings to the secretaries (unless the party play the fool and wilfully exceed that expected fee) where it is granted, being put into the mouth of a lawyer will cost the client, whether granted or denied, one piece at the least, and for the most part five, ten, or twenty pieces, is notoriously known to all the world; yet have I most willingly observed in all orders upon petitions, First, to order nothing in this kind without notice given to the adverse part and oath made thereof. Secondly, to reverse, correct, or alter to one syllable of any decree or order pronounced in court upon counsel heard on both sides. Thirdly, to alter no possession unless it be in pursuance of a former decree or order pronounced in open court upon counsel heard on both sides, or to save by a sequestration to indifferent hands, some bona peritura, which commonly be a tithe or a crop of hay or corn, which are ready to be carried away by force by unresponsal men, and will not stay for a decree in court. Now I humbly crave your majesty's opinion whether I may go on this way, as ancient as the court, for easing your majesty's subjects with these cautions and limitations, the clamour of the lawyer and ignorance of some men, qui me per ornamenta feriunt notwithstanding. For although no party grieved doth or indeed can complain against these dispatches, and that in the corruptest times it was never heard that any bribes have been taken for answers upon petitions, yet what reason have I to overtoil myself in easing the purse of the subject, if it be objected as a crime against me, and be not a service acceptable to your

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majesty and the realms? I have eased myself these three days in this kind, but am enforced to prevent their complaint by this humble representation unto your majesty. I most humbly, therefore, crave your majesty's directions, denied to none of your servants that desire them, to be signified unto me by the Lord Admiral at his lordship's best conveniency.

The fair and familiar Conference which the Lord Treasurer had with the Lord Keeper after some Expostulations of his own, and the issue joined thereupon, at Whitehall, September 7, 1622.

OBJECT. 1. There is taken £40,000 for petitions in your house this year.

SOL. Not much above the fortieth part of the money for all the dispatches of the Chancery, Star-Chamber, Councel-Table, Parliament, the great diocese of Lincoln, the jurisdiction of Westminster, and St. Martin's le Grand; all which have resort to my house by petitions.

OB. 2. You have yourself a share in the money.

SOL. Then let me have no share in God's kingdom; it is such a baseness as never came within the compass of my thoughts.

OB. 3. It is commonly reported you pay to my Lord Admiral £1,000 per mensem.

SOL. As true as the other. The means of my place will reach to no more than two months.

OB. 4. You never receive any petitions with your own hands, but turn them to your secretaries, who take double fees, one for receiving, and the other for delivering.

SOL. Let the Cloisters at Westminster answer for me. I never to this day received any petition from my secretaries, which I had formerly delivered unto them with my own hands. This is a new fashion which my lord hath found in some other courts.

OB. 5. You sell days of hearing at higher rates than ever they were at.

SOL. I never disposed of any since I came to this place, but leave them wholly to the six clerks and registers, to be set down in their antiquity. Unless his lordship means hearing of motions in the paper of peremptories, which I seldom deny upon any petition, and which are worth no money at all.

OB. 6. You usually reverse decrees upon petitions.

SOL. I have never reversed, altered, explained, or endured a motion, or petition, that touched upon a decree once pronounced; but have sometimes made orders in pursuance of the same.

OB. 7. You have three doorkeepers, and are so locked up, that no man can have access unto you.

SOL. I have no such officer in all my house, unless his lordship means the college porters; nor no locks at all, but his majesty's business, which I must respect above ceremonies and compliments.

OB. 8. You are cried out against over all the kingdom for an insufferable oppression and grievance.

SOL. His lordship (if he have any friends) may hear of such a cry, and yet be pleased to mistake the person cried out against.

OB. 9. All the lords of the council cry out upon you, and you are a wretched and a friendless man, if no man acquaints you with it.

SOL. I am a wretched man indeed if it be so. And your lordship (at the least) a very bold man if it be otherwise.

OB. 10. I will produce particular witnesses, and make all these charges good.

SOL. I know your lordship cannot, and I do call upon you to do it, as suspecting all to be but your lordship's envy and malice to that service of the king's, and ease of his subjects, which God hath enabled me to accomplish, and perform in this troublesome office. J. L. C. S.

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After time of James.

Sir Matthew Hale.

By his exact and impartial administration of justice, of which we have the following instances. He would never receive any private addresses or recommendations from the greatest persons in any matter in which justice was concerned. One of the first peers of England went once to his chamber, and told him, "That having a suit in law to be tried before him, he was then to acquaint him with it, that he might the better understand it when it should come to be heard in court." Upon which Sir Matthew interrupted him, and said, "He did not deal fairly with him to come to his chamber about such affairs, for he never received any information of causes but in open court, where both parties were to be heard alike." So he would not suffer him to go on. Whereupon his grace (for he was a duke) went away not a little dissatisfied, and complained of it to the king as a rudeness that was not to be endured. But his majesty bid him content himself that he was no worse used;" and said he verily believed he would have used himself no better if he had gone to solicit him in any of his own causes. Another passage fell out in one of his circuits, which was somewhat censured as an affectation of unreasonable strictness, but it flowed from his exactness to the rules he had set himself. A gentleman had sent him a buck for his table that had a trial at the assizes. So when he heard his name, he asked "If he was not the same person who had sent him the venison?" and finding he was the same, he told him he could not suffer the trial to go on till he had paid him for his buck. To which the gentleman answered, "That he never sold his venison, and that he had done nothing to him which he did not do to every judge that had gone the circuit," which was confirmed by several gentlemen then present: but all would not do; for the Lord Chief Baron had learned from Solomon, "that a gift perverteth the ways of judgment," and therefore he would not suffer the trial to go on till he had paid for the present, upon which the gentleman withdrew the record. And at Salisbury, the dean and chapter having, according to custom, presented him with six sugar-loaves in his circuit, he made his servants pay for the sugar before he would try their cause.

Were Bacon's judgments influenced by the presents?

That these solicitations and presents had not any influence upon the judgments of the Chancellor appears from many reasons.

1. During the violence and virulence of the charges not a word was attempted to be said of his having ever decided unjustly.
2. In most of the cases the presents were long after the decrees.
3. In many of the cases the presents were made by both parties.
4. When the present was made by only one of the suitors, the judgment has been against him, and in Aubrey's case, Sir R. Phillips, the chairman of the committee said, "Sir George Hastings, pitying Aubrey's case, did give in a box £100 to the Lord Chancellor in those terms or the like, 'That it was to help Aubrey in his cause.' Notwithstanding, not long after, a very prejudicial and murthering order was made against Aubrey in his cause."
5. No doubt of the integrity of his judgments seems to have been entertained by his cotemporaries.

Ben Jonson.

Ben Jonson died about 1630. "My conceit of this person was never increased towards him by his place or honors; but I have and do reverence him for the greatness that was only proper to himself, in that he seemed to me ever by his works one of the greatest men, and most worthy of admiration, that had been in many ages. In his adversity I ever prayed that God would give him strength; for greatness he could not want. Neither could I condole in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest."

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Fuller.

Such as condemn him for pride, in his place with the fifth part of his parts, had been ten times prouder themselves. He had been a better master if he had been a worse, being too bountiful to his servants, and either too confident of their honesty, or too conniving at their falsehood. The story is told to his advantage, that he had two servants, one in all causes patron to the plaintiff (whom his charity presumed always injured) the other to the defendant (pitying him as compelled to law), but taking bribes of both, with this condition, to restore the money received if the cause went against them. Their lord, ignorant thereof, always did impartial justice; whilst his men (making people pay for what was given them) by compact shared the money betwixt them, which cost their master the loss of his office.

Bushel.—Rushworth.

He was over indulgent to his servants, and connived at their takings, and their ways betrayed him to that error: they were profuse and expensive, and had at their command whatever he was master of. The gifts taken were for the most part for interlocutory orders: his decrees were generally made with so much equity, that though gifts rendered him suspected for injustice, yet never any decree made by him was reversed as unjust, as it has been observed by some who were well skilled in our laws.—Rushworth's Collection, vol. i. 26.

Aubrey.

His favourites took bribes, but his lordship always gave judgment secundum æquum et bonum. His decrees in Chancery stand firm; there are fewer of his decrees reversed than of any other Chancellor.

Lloyd.

He reflected upon himself, when he said to his servants as they rose to him in the hall, "Your rise hath been my fall." Though, indeed, he rather trusted to their honesty, than connived at their falsehood, yet he did impartial justice commonly to both parties, when one servant was in fee with the plaintiff, and the other with the defendant.

It seems scarcely possible to suppose that if the judgments of the Chancellor had been influenced by the solicitations and presents, the intimacy between him and the King and Buckingham would have continued. The idea of his judgments being tainted never enter the mind of Lord Bacon. This appears from various passages in his works.

In his letter to Buckingham, written as soon as the charge was made, he says:

To the Marquis of Buckingham. (*a*)

My very good Lord,—Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a Chancellor, I think, if the great seal lay upon Hounslow Heath, nobody would take it up. But the King and your lordship will, I hope, put an end to these my straits one way or other. And in troth that which I fear most is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning, or fainting. But I hope in God I shall hold out. God prosper you.

(*a*) This letter seems to have been written soon after Lord St. Alban began to be accused of abuses in his office of Chancellor.

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And in his letter of March 25, to the King, he says: And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

When the Chancellor saw the King in April, during the recess, he had prepared notes of his intended communication to the King. The following are the notes:

Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

If your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune. For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves or subterfuges. There be three degrees, or cases, as I conceive, of gifts and rewards given to a judge: the first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought, when I pronounced any sentence or order. The second is a neglect in the judge to inform himself whether the cause be fully at an end or no, what time he receives the gift, but takes it upon the credit of the party, that all is done; or otherwise omits to inquire. And the third is, when it is received *sine fraude*, after the cause ended; which, it seems by the opinion of the civilians, is no offence. Look into the case of simony, &c.

Now, if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocents' day, in my heart. For the second, I doubt, in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent, once for the fact, and again for the error. For I had rather be a briber than a defender of bribes.

I must likewise confess to your majesty, that at new-years tides, and likewise at my first coming in, which was, as it were my wedding, I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me, yea or no. And this is simply all that I can say for the present, concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

And in another letter to Buckingham he says: I perceive by some speech, that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you that it were strange I should be in debt; for that I could not but have received an hundred thousand pounds gifts since I had the seal, which is an abominable falsehood. Such tales as these made St. James say, that the tongue is a fire, and itself fired from hell, whither when these tongues shall return, they will beg a drop of water to cool them. I praise God for it, I never took penny for any benefice or ecclesiastical living; I never took penny for releasing any thing I stopped at the seal; I never took penny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied, as a good confessant, guiltiness, and not excuse; and therefore I hope it leaves me fair to the king's grace, and will turn many men's hearts to me.

The state of Lord Bacon's mind may also be discovered by his own rule, the sudden expressions which were made by him when the charge was made.

In the Advancement of Learning, he says, that the modes by which words give us an insight into character are, when they are sudden, "vino tortus et ira." So, when speaking of the use of Mechanical History, he says, "As a man's disposition is never well known till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast; so the passages and variations of nature cannot appear so fully in the liberty of nature, as in the trials and vexations of art."

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Upon being told that it was time to look about him, he said, " I do not look about me ; I look above me."

Upon his servants rising on his entrance, soon after the accusation, " Sit down," he said, " your rise has been my fall."

Letter from Sir Kenelm Digby to M. de Fermat, published at the end of Fermat's Opera Mathematica, 1769.

Extrait d'un lettre de Mons. le Chevalier Digby à M. de Fermat.

Et comme vous y parlez de notre Chancellier Bacon, cela me fit souvenir d'un autre beau mot qu'il dit en ma présence une fois a peu Mons. le Duc de Buckingham. C'étoit au commencement de ses malheurs quand l'assemblée des états, que nous appellons le parlement, entreprit de le miner, ce quelle fit en suite, ce jour la il en eût la première alarme. J'étois avec le duc ayant dîné avec lui, le Chancellier suivint, et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit présentée contre lui, et il supplia le duc d'employer son crédit aupres du roi pour le maintenir toujours dans son esprit. Le duc lui répondit, qu'il étoit si bien avec le roi leur maître qu'il n'étoit pas besoin de lui rendre de bons offices aupres de sa majesté, ce qu'il disont, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur. Le Chancelier lui répondit de très bonne grace, " Qu'en il croyoit être parfaitement bien dans l'esprit de son maître, mais aussi qu'il avoit toujours remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui même, il ne laissera pourtant pas de bruler mieux, et d'être plus beau et plus clair si on le suffle comme il faut."

Assuming that it was customary for the suitors to solicit and to make presents to the judges out of court, the observations made by Mr. Butler with respect to this custom in France, may, therefore, as it seems, be applied to the custom in England: " But it all amounted to nothing. To all their solicitations the judges listened with equal external reverence and internal indifference ; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room."

NOTE AAA.

The Advancement of Learning.

The Advancement of Learning was published in the year 1605. The following is a copy of the title page : *The Tvvoo Bookes of Francis Bacon. Of the proficience and aduancement of Learning, diuine and humane. To the King. At London, printed for Henry Tomes, and are to be sould at his shop at Graies Inne Gate in Holborne.* 1605. It is a small thin quarto of 119 pages, double paged, that is, one page relates to two sides, so that there are according to the modern mode of paging, 238 pages. The subjects are distinguished by capitals and italics introduced into the text, with a few marginal notes in Latin.

Of this work he sent copies to the Earl of Northampton, to present the book to the King ; to Sir Thomas Bodley ; to Lord Chancellor Egerton ; to the Earl of Salisbury ; to the Lord Treasurer Buckhurst ; to Mr. Matthews. The following are copies of the several presentation letters :

Sir Francis Bacon, of the like Argument, to the Earl of Northampton, with request to present the book to his Majesty.

It may please your good Lordship,—Having finished a work touching the Advancement of Learning, and dedicated the same to his sacred majesty, whom I dare avouch (if the records of time err not) to be the learnededst king that hath reigned ; I was desirous in a kind of congruity, to present it by the learnedest counsellor in this kingdom, to the end, that so good an argument, lightening upon so bad an author, might receive some reparation by the hands

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into which, and by which it should be delivered. And therefore I make it my humble suit to your lordship to present this mean, but well meant writing to his majesty, and with it my humble and zealous duty; and also my like humble request of pardon, if I have too often taken his name in vain, not only in the dedication, but in the voucher of the authority of his speeches and writings. And so I remain, &c.

Sir Francis Bacon to Sir Thomas Bodley, upon sending him his Book of the Advancement of Learning.

Sir,—I think no man may more truly say with the psalm, "multum incola fuit anima mea." For I do confess, since I was of any understanding, my mind hath in effect been absent from that I have done, and in absence errors are committed, which I do willingty acknowledge; and amongst the rest, this great one that led the rest; that knowing myself by inward calling to be fitter to hold a book than to play a part, I have led my life in civil causes, for which I was not very fit by nature, and more unfit by the preoccupation of my mind. Therefore, calling myself home, I have now for a time enjoyed myself, where likewise I desire to make the world partaker; my labours (if so I may term that which was the comfort of my other labours) I have dedicated to the king, desirous if there be any good in them, it may be as fat of a sacrifice incensed to his honour; and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning: for books are the shrines where the saint is, or is believed to be. And you having built an ark, to save learning from deluge, deserve, in propriety, any new instrument or engine, whereby learning should be improved or advanced. So, &c.

A Letter of the like Argument to the Lord Chancellor.

May it please your good Lordship,—I humbly present your lordship with a work, wherein as you have much commandment over the author, so your lordship hath also great interest in the argument. For to speak without flattery, few have like use of learning, or like judgment in learning, as I have observed in your lordship. And again, your lordship hath been a great planter of learning, not only in those places in the church which have been in your own gift, but also in your commendatory vote, no man hath more constantly held "detur digniori," and therefore both your lordship is beholden to learning, and learning beholden to you. Which maketh me presume, with good assurance, that your lordship will accept well of these my labours, the rather because your lordship in private speech hath often begun to me, in expressing your admiration of his majesty's learning, to whom I have dedicated this work; and whose virtue and perfection in that kind did chiefly move me to a work of this nature. And so with signification of my most humble duty and affection towards your lordship, I remain, &c.

Sir Francis Bacon to the Earl of Salisbury, upon sending him one of his Books of Advancement of Learning.

It may please your good Lordship,—I present your lordship with a work of my vacant time, which if it had been more, the work had been better. It appertaineth to your lordship (besides my particular respects) in some propriety, in regard you are a great governor in a province of learning, and (that which is more) you have added to your place affection towards learning, and to your affection judgment, of which the last I could be content were (for the time) less, that you might the less exquisitely censure that which I offer to you. But sure I am, the argument is good, if it had lighted upon a good author; but I shall content myself to awake better spirits, like a bellringer which is first up, to call others to church. So, with my humble desire of your lordship's good acceptation, I remain.

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Sir Francis Bacon to the Lord Treasurer Buckhurst,(a) upon the same occasion, of sending his book of Advancement of Learning.

May it please your good Lordship,—I have finished a work touching the Advancement or setting forward of Learning, which I have dedicated to his majesty, the most learned of a sovereign, or temporal prince, that time hath known. And upon reason not unlike, I humbly present one of the books to your lordship, not only as a chancellor of an university, but as one that was excellently bred in all learning, which I have ever noted to shine in all your speeches and behaviours. And therefore your lordship will yield a gracious aspect to your first love, and take pleasure in the adorning of that wherewith yourself are so much adorned. And so humbly desiring your favourable acceptation thereof, with signification of my humble duty, I remain.

To Mr. Matthew.

Sir,—I perceive you have some time when you can be content to think of your friends; from whom since you have borrowed yourself, you do well, not paying the principal, to send the interest at six months. The relation which here I send you inclosed, carries the truth of that which is public; and though my little leisure might have required a briefer, yet the matter would have endured and asked a larger.

I have now at last taught that child to go, at the swaddling whereof you were. My work touching the proficiency and advancement of learning, I have put into two books; whereof the former, which you saw, I cannot but account as a page to the latter. I have now published them both; whereof I thought it a small adventure to send you a copy, who have more right to it than any man, except Bishop Andrews, who was my inquisitor.

The death of the late great judge concerned not me, because the other was not removed. I write this in answer to your good wishes; which I return not as flowers of Florence, but as you mean them; whom I conceive place cannot alter, no more than time shall me, except it be for the better. 1605.

Some short time after the publication of this work, probably about the year 1608, Sir Francis Bacon was desirous that the Advancement of Learning should be translated into Latin; and, for this purpose, he applied to Dr. Playfer, the Margaret professor of divinity in the university of Cambridge.

Sir Francis Bacon, his Letter of request to Doctor Playfer, to translate the book of Advancement of Learning into Latin.

Mr. Doctor Playfer,—A great desire will take a small occasion to hope, and put in trial that which is desired. It pleased you, a good while since, to express unto me the good liking which you conceive of my book, of the Advancement of Learning, and that more significantly (as it seemed to me) than out of courtesy, or civil respect. Myself, as I then took contentment in your approbation thereof, so I should esteem and acknowledge, not only my contentment increased, but my labours advanced, if I might obtain your help in that nature which I desire. Wherein, before I set down in plain terms my request unto you, I will open myself, what it was which I chiefly sought, and propounded to myself in that work, that you may perceive that which I now desire to be pursuant thereupon, if I do not err. (For any judgment that a man maketh of his own doings, had need be spoken with a "Si nunquam fallit imago,") I have this opinion, that if I had sought my own commendation, it had been a much fitter course for me to have done as gardeners use to do, by taking their seeds and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But forasmuch as my end was merit of the state of learning, to my power, and not glory; and because my purpose was rather to excite other men's wits, than to magnify my own, I

(a) Chancellor of Oxford, Lord Treasurer, Earl of Dorset, celebrated as a poet, an orator, and a writer.

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was desirous to prevent the incertainness of my own life and times, by uttering rather seeds than plants; nay, and farther, as the proverb is, by sowing with the basket than with the hand. Wherefore, since I have only taken upon me to ring a bell, to call other wits together (which is the meanest office), it cannot but be consonant to my desire to have that bell heard as far as can be. And since that they are but sparks, which can work but upon matter prepared, I have the more reason to wish that those sparks may fly abroad, that they may the better find, and light upon those minds and spirits which are apt to be kindled. And therefore, the privateness of the language considered wherein it is written excluding so many readers (as on the other side, the obscurity of the argument, in many parts of it, excludeth many others;) I must account it a second birth of that work, if it might be translated into Latin, without manifest loss of the sense and matter. For this purpose, I could not represent to myself any man into whose hands I do more earnestly desire that work should fall than yourself; for by that I have heard and read, I know no man a greater master in commanding words to serve matter. Nevertheless I am not ignorant of the worth of your labours, whether such as your place and profession imposeth on you, or such as your own virtue may, upon your voluntary election, take in hand. But I can lay before you no other persuasions, than either the work itself may affect you with, or the honour of his majesty, to whom it is dedicated, or your particular inclination to myself; who, as I never took so much comfort in any labours of my own, so I shall never acknowledge myself more obliged in any thing to the labour of another, than in that which shall assist this. Which your labour, if I can by my place, profession, means, friends, travel, work, deed, requite unto you, I shall esteem myself so straitly bound thereunto, as I shall be ever most ready both to take and seek occasion of thankfulness. So leaving it nevertheless, *salvâ amicitiâ*, as reason is to your good liking, I remain.

Dr. Playfer's wish to comply with this request, and his failure is thus stated by Archbishop Tenison, (*a*) "The Doctor was willing to serve so excellent a person, and so worthy a design, and within a while sent him a specimen of a Latin translation. But men generally come short of themselves when they strive to outdo themselves; they put a force upon their natural genius, and, by straining of it, crack and disable it: and so it seems it happened to that worthy and elegant man. Upon this great occasion he would be over accurate; and he sent a specimen of such superfine Latinity, that the Lord Bacon did not encourage him to labour further in that work, in the penning of which, he desired not so much neat and polite, as clear, masculine, and apt expression."

This was probably in 1606 or 1607, for Dr. Playfer's death is thus recorded by Bishop Hackett, in his life of Archbishop Williams: "On Candlemas-day, anno 1608, his reverend friend Dr. Playfer departed out of this world, in the forty-sixth year of his life, in his flower and prime; whose greatest well-wishers did not wish him alive again, because his rarely beautified wits, with which he had even enchanted his hearers in so many estivat commencements, were now more and more distempered. Yet Mr. Williams wept over him, and exceeded in grief, as if a child had lost his father. The University making preparation for the solemn funeral of so great an ornament to it, the Vice Chancellor that then was, Dr. Jeggon, possessed the pulpit to preach, and Mr. Williams was required to be the orator, to give him a farewell of due praise in the chapel of St. John's College. He pleaded the truth, that his sorrow would not grant him such a dispassionate mind, as was fit to compose a panegyric, and that in the space of three days, and for such a man as Dr. Playfer. And with this excuse he held off, till Dr. Clayton set upon it to enforce the task on him that could best discharge it, threatened him with expulsion, if he refused that service to which his superiors had allotted him. An hard condition, and such as might have been disputed, as long after I heard him argue upon it. But then he yielded, whether fair means or foul means overcame him I know not: but I think rather love than fear got the upper hand of grief. And when his turn

(*a*) Baconiana, 25.

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came to speak upon the day of the obsequies, O what a tunable music he made between his rhetoric and his tears! for both flowed together. How curious were his apostrophes! how moving were his passions! how winning his pronunciation! Many pauses he was compelled to make by the applause and humming of the swarms about him in the close of his periods. When he had done, and the assembly brake up, it was in every mouth, that Playfer's eloquence was not dead with him while this orator was alive. Let me trouble this narrative with a small interjection. I was myself in the throng among those that heard this oration, newly admitted into Trinity College, that being the second day wherein I wore my purple gown. This being the first exercise that I heard in Cambridge in the Latin tongue, I thought it was a city paved all with emeralds, and that such learning and such silver elocution was common to them all."

I find the following notice of this work by Lord Bacon. On the 12th of October, 1620, in a letter to the King, presenting the Novum Organum to his majesty, Lord Bacon says, "I hear my former book of the Advancement of Learning, is well tasted in the universities here, and the English colleges abroad; and this is the same argument sunk deeper." And it is mentioned in the following letter:

To Mr. Mathew.

Sir,—Two letters of mine are now already walking towards you; but so that we might meet, it were no matter though our letters should lose their way. I make a shift in the mean time to be glad of your approaches, and would be more glad to be an agent for your presence, who have been a patient for your absence. If your body by indisposition make you acknowledge the healthful air of your native country, much more do I assure myself that you continue to have your mind no way estranged. And as my trust with the state is above suspicion, so my knowledge, both of your loyalty and honest nature, will ever make me show myself your faithful friend, without scruple: you have reason to commend that gentleman to me by whom you sent your last, although his having travelled so long amongst the sadder nations of the world make him much the less easy upon small acquaintance to be understood. I have sent you some copies of my book of the Advancement, which you desired, and a little work of my recreation, which you desired not. My Instauration I reserve for our conference; it sleeps not. These works of the alphabet are in my opinion of less use to you where you are now, than at Paris; and therefore I conceived that you had sent me a kind of tacit countermand of your former request. But in regard that some friends of yours have still insisted here, I send them to you; and for my part, I value your own reading more than your publishing them to others. Thus, in extreme haste, I have scribbled to you I know not what, which therefore is the less affected, and for that very reason will not be esteemed the less by you.

Different Editions.

This edition of 1605 was the only edition published during the life of Lord Bacon, who died in 1626.

An edition in octavo was published in 1629. The following is a copy of the title page: *The Two Bookes of Fancis Bacon. Of the Proficience and aduancement of Learning, Divine and Hvman. To the King. London: printed for William Washington, and are to be sold at his shop in S. Dunstanes Churchyard.* 1629.

In the year 1633, there was another edition of the same size. The following is a copy of the title page: *The Two Bookes of Sir Francis Bacon, of the Proficience and Advancement of Learning Divine and Hvmane. To the King. Oxford, printed by I. L. Printer to the Vniversity, for Thomas Huggins.* 1633. *With permission of B. Fisher.*

I once thought that the edition of 1633 was either a fac-simile, or part of the remaining copies of 1629, as it consists of the same pages (335), and very nearly resembling each other. But, upon examining pages 334 and 335, it

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will be seen that, although they consist of the same words, the spelling of the word "be" is in various places different. It probably is the same in other pages.

In 1808 another edition in octavo was published. It was edited by Mr. Mallet, a great admirer of Lord Bacon. I know him well, and think of him with affection and respect. He was cut off in his prime. The following is a copy of the title page: *The Two Books of Francis Bacon. Of the Proficience and Advancement of Learning, Divine and Human. To the King. London: printed by J. M'Creery, for T. Payne, Pall Mall.* Mallet says, that his edition is corrected from the original edition of 1605: numerous errors having crept into many of the later editions, especially in the Latin quotations.

In the year 1825, another edition in octavo was published. The following is the title page: *The Two Books of Francis Lord Verulam. Of the Proficience and Advancement of Learning, Divine and Human. To the King. London. William Pickering.* M.DCCC.XXV. I wrote the preface to this edition. Some person was procured by the publisher to translate, and very badly has he translated, the various Latin quotations in different parts of the volume.

There is another 12mo. edition, a very neat pocket volume.

Of the Proficience and Advancement of Learning, Divine and Human. By Francis Lord Bacon. London: printed and published by J. F. Dove, St. John's Square. 1828.

NOTE BBB.

Novum Organum.

1. Observations by different authors. { Rawley. Tennison. Montagu.
2. Different editions.
3. Translations.
4. Tracts relating to.
5. Nature of the work.
6. Miscellaneous.

Observations by different authors.

Rawley's Observations upon Novum Organum.

Ben Jonson says, "I have ever observed it to have been the office of a wise patriot, among the greatest affairs of the state, to take care of the commonwealth of learning. For schools, they are the seminaries of state, and nothing is worthier the study of a statesman, than that part of the republic which we call the Advancement of Letters. Witness the care of Julius Cæsar, who in the heat of the civil war writ his book of Analogy, and dedicated them to Tully. This made the late Lord St. Albans entitle his work *Novum Organum*, which, though by the most of superficial men, who cannot get beyond the title of nominals, it is a work not penetrated or understood; it really openeth all defects of learning whatsoever, and is a book

Qui longum noto scriptori proroget ævum.

Dr. Rawley, in his life of Lord Bacon, says, "I have been induced to think, that if there were a beam of knowledge derived from God upon any man in these modern times, it was upon him: for though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself; which notwithstanding he vented with great caution and circumspection. His book of Instauratione Magna (which in his own account was the chiefest of his works,) was no slight imagination, or fancy of his brain, but a settled and concocted notion, the production of many years labour and travel. I myself have seen at the least twelve copies of the Instauration, revised year by year one after another, and every year altered and

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amended in the frame thereof, till at last it came to that model in which it was committed to the press, as many living creatures do lick their young ones, till they bring them to their strength of limbs.

Tennyson's Observations upon Novum Organum.

The second part of his Great Instauration (and so considerable a part of it, that the name of the whole is given to it) is his Novum Organum Scientiarum, written by himself in the Latin tongue, and printed also most beautifully and correctly in folio, at London. (*a*) This work he dedicated to King James, with the following excuse; that if he had stolen any time for the composure of it from his majesty's other affairs, he had made some sort of restitution by doing honour to his name and his reign. The King wrote to him, then Chancellor, a letter of thanks with his own hand; (*b*) and this was the first part of it: "My Lord, I have received your letter and your book, than the which you could not have sent a more acceptable present to me. How thankful I am for it, cannot better be expressed by me, than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep, having, otherwise, as little spare time to read it as you had to write it; and then to use the liberty of a true friend, in not sparing to ask you the question in any point, whereof I stand in doubt (*nam ejus est explicare, cujus est condere*); as, on the other part, I will willingly give a due commendation to such places, as in my opinion, shall deserve it. In the mean time, I can with comfort assure you, that you could not have made choice of a subject, more befitting your place, and your universal and methodical knowledge."

Three copies of this Organum were sent by the Lord Bacon to Sir Henry Wotton, one who took a pride (as himself saith) in a certain congeniality with his lordship's studies. And how very much he valued the present, we may learn from his own words: "Your lordship (said he) (*c*) hath done a great and ever-living benefit to all the children of nature, and to nature herself in her uttermost extent of latitude; who, never before, had so noble, nor so true an interpreter, or (as I am readier to style your lordship) never so inward a secretary of her cabinet. But of your work (which came but this week to my hands) I shall find occasion to speak more hereafter; having yet read only the first book thereof, and a few aphorisms of the second. For it is not a banquet that men may superficially taste, and put up the rest in their pockets; but, in truth, a solid feast, which requireth due mastication. Therefore, when I have once myself perused the whole, I determine to have it read, piece by piece, at certain hours, in my domestic college, as an ancient author; for I have learned thus much by it already, that we are extremely mistaken in the computation of antiquity, by searching it backwards; because, indeed, the first times were the youngest; especially in points of natural discovery and experience.

This Novum Organum containeth in it, instructions concerning a better and more perfect use of reason in our inquisitions after things. And therefore the second title which he gave it was, Directions concerning Interpretations of Nature. And by this art he designed a logic more useful than the vulgar, and an Organum apter to help the intellectual powers than that of Aristotle. For he proposed here, not so much the invention of arguments as of arts; and in demonstration, he used induction, more than contentious syllogism; and in his induction, he did not straightway proceed from a few particular sensible notions to the most general of all; but raised axioms by degrees, designing the most general notions for the last place, and insisting on such of them as are not merely notional, but coming from nature, do also lead to her.

This book containeth three parts: the Preface; the Distribution of the Work of the Great Instauration; Aphorisms, guiding to the interpretation nature.

(*a*) 1620, and in second part of Resuscitatio part of this Org. is published in an English version.

(*b*) Dated October 16, 1620.

(*c*) Wotton's Remains, 298.

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The Preface considereth the present unhappy state of learning, together with counsels and advices to advance and improve it. To this preface, therefore, are to be reduced the Indicia, and the Proem in Gruter,(*a*) concerning the interpretation of nature; the first book de Augmentis Scientiarum, which treateth generally of their dignity and advancement.(*b*)

To the Distribution belongeth that Latin fragment in Gruter,(*c*) called the Delineation and Argument of the second part of the Instauration.(*d*)

In the bringing this labour to maturity, he used great and deliberate care; insomuch that Dr. Rawley saith, he had seen twelve copies of it revised year by year, one after another, and every year altered and amended in the frame thereof, till at last it came to the model in which it was committed to the press. It was like a mighty pyramid, long in its erection, and it will probably be like to it in its continuance. Now he received from many parts beyond the seas testimonies touching this work, such as beyond which he could not (he saith) expect at the first, in so abstruse an argument; yet, nevertheless (he saith again) he had just cause to doubt that it flew too high over men's heads. He purposed, therefore (though he broke the order of time) to draw it down to the sense by some patterns of natural story and inquisition.

Montagu's Preface.

In the year 1605 Lord Bacon, in the Advancement of Learning, divided knowledge respecting the Mind of Man into the understanding and the will.

Knowledge respecting the understanding he divided into

Invention,
Judgment,
Memory,
Tradition.

"Man's labour is to invent that which is sought or propounded; or to judge that which is invented; or to retain that which is judged; or to deliver over that which is retained. So as the arts must be four; art of inquiry or invention; art of examination or judgment; art of custody or memory; and art of elocution or tradition."

Under the head of Invention, after having explained the deficience of the art of Invention, "which," he says, "seemeth to me to be such a deficience as if, in the making of an inventory touching the estate of a defunct, it should be set down, 'of ready money nothing:' for as money will fetch all other commodities, so this knowledge is that which should purchase all the rest. And like as the West Indies had never been discovered, if the use of the mariner's needle had not been first discovered, though the one be vast regions and the other a small motion; so it cannot be found strange if sciences be no farther discovered, if the art itself of invention and discovery hath been passed over."

He then adds, "This part of invention, concerning the invention of sciences, I purpose, if God give me leave, hereafter to propound, having digested it into two parts; whereof the one I term 'Experientia Literata,' and the other 'Interpretatio Naturæ:' the former being but a degree and rudiment of the latter. But I will not dwell too long, nor speak too great upon a promise."

The Novum Organum was published, imperfect and incomplete, in the year 1620, when Lord Bacon was Chancellor. The reasons for the publication at that period are stated in his letter to the King: "And the reason why I have published it now, specially, being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work,

(*a*) Script. 285, 479.
(*b*) Referred by Tennison to Preface of Novum Organum.
(*c*) Inter Script. 293.
(*d*) Referred by Tennison to the second part of Novum Organum.

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namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy." Such are the causes assigned by Lord Bacon, each deserving a separate consideration.

The first of these two reasons is, "because I number my days, and would have it saved." The meaning of this cannot be mistaken. Bacon was born in the year 1560. His health was always delicate. Etiam, he says, nonnihil hominibus spei fieri putamus ab exemplo nostro proprio; neque jactantiæ causâ hoc dicimus, sed quòd utile dictu sit. Si qui diffidant, me videant, hominem inter homines ætatis meæ civilibus negotiis occupatissimum, nec firmâ admodum valetudine (quod magnum habet temporis dispendium), atque in hâc re planè protopirum, et vestigia nullius secutum, neque hæc ipsa cum ullo mortalium communicantem; et tamen veram viam constanter ingressum, et ingenium rebus submittentem, hæc ipsa aliquatenùs (ut existimamus) provexisse.

In the year 1617, when he was fifty-seven years of age, the great seals were offered to him. Unmindful of the feebleness of his constitution; unmindful of his love of contemplation, and that genius is rarely prompt in action, or consistent in general conduct: unmindful of his own words, "I ever bore a mind to serve his majesty in some middle place that I could discharge, not as a man born under Sol, that loves honour; nor under Jupiter, that loves business; for the contemplative planet carries me away wholly." Unmindful of his own words, "Men in great place are thrice servants: servants of the sovereign in state; servants of fame; and servants of business: so as they have no freedom neither in their persons, nor in their actions, nor in their times. Power they seek, and lose liberty: they seek power over others, and lose power over themselves." Unmindful of his admonition, "Accustom your mind to judge of the proportion or value of things, and do that substantially and not superficially; for if you observe well, you shall find the logical part of some men's minds good, but the mathematical part nothing worth: that is, they can judge well of the mode of attaining the end, but ill of the value of the end itself; and hence some men fall in love with access to princes; others, with popular fame and applause, supposing they are things of great purchase, when in many cases, they are but matters of envy, peril, and impediment. Unmindful of his own doctrine, how much "worldly pursuits divert and interrupt the prosecution and advancement of knowledge, like unto the golden ball thrown before Atalanta, which, while she goeth aside and stoopeth to take up, the race is hindered

Declinat cursus, aurumque volubile tollit."

One of the consequences was the publication of the Novum Organum in its present state; the sacrifice of his favourite work, upon which he had been engaged for thirty years, and had twelve times transcribed with his own hand.

The second reason assigned by Lord Bacon for the publication of the Novum Organum in 1620 is, "to try whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the foundation of a true and active philosophy." The meaning of this seems also to be obvious. Lord Bacon's conviction of the importance of Natural History, as the primitive matter of philosophy, appears in every part of his works; in the Advancement of Learning; the Sylva Sylvarum; the New Atlantis; the Wisdom of the Antients; and the Novum Organum. It seems probable, therefore, that he availed himself of the moment when power was entrusted to him, to induce the king to assist in the formation of "such a collection of natural history as he had measured out in his mind, and such as really ought to be procured, which is," he says, "a great and royal work, requiring the purse of a prince, and the assistance of a people." He, therefore, in his presentation letter to the king, expresses his anxiety for the compiling a Natural History, and he renews his solicitation in his next letter to the king.

Copies of the work were presented to the King, to the University of Cambridge, to Sir Henry Wotton, and to Sir Edward Coke. The following are the letters of presentation and the answers.

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NOTE BBB.

To the King.

It may please your most excellent Majesty,—It being a thing to speak or write, specially to a king, in public, another in private, although I have dedicated a work, or rather a portion of a work, which at last I have overcome, to your majesty by a public epistle, where I speak to you in the hearing of others; yet I thought fit also humbly to seek access for the same, not so much to your person, as to your judgment, by these private lines.

The work, in what colours soever it may be set forth, is no more but a new logic, teaching to invent and judge by induction, as finding syllogism incompetent for sciences of nature; and thereby to make philosophy and sciences both more true and more active. This tending to enlarge the bounds of reason, and to endow man's estate with new value, was no improper oblation to your majesty, who, of men, is the greatest master of reason, and author of beneficence.

There be two of your council, and one other bishop of this land, that know I have been about some such work near thirty years; so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try, whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy.

This work is but a new body of clay, whereinto your majesty, by your countenance and protection, may breathe life. And, to tell your majesty truly what I think, I account your favour may be to this work as much as an hundred years' time; for I am persuaded the work will gain upon men's minds in ages, but your gracing it may make it take hold more swiftly, which I would be very glad of, it being a work meant, not for praise or glory, but for practice and the good of men. One thing, I confess, I am ambitious of, with hope, which is, that after these beginnings, and the wheel once set on going, men shall seek more truth out of Christian pens than hitherto they have done out of heathen. I say with hope; because I hear my former book of the Advancement of Learning is well tasted in the universities here, and the English colleges abroad: and this is the same argument sunk deeper. And so I ever humbly rest in prayers, and all other duties, your Majesty's most bounden and devoted servant,

FR. VERULAM, Canc.

York House, this 12th of October, 1620.

This Letter was written with the King's own hand, to my Lord Chancellor Verulam, upon his Lordship's sending to his Majesty his Novum Organum.

My Lord,—I have received your letter and your book, than the which you could not have sent a more acceptable present unto me. How thankful I am for it cannot better be expressed by me than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep. Having otherwise as little spare time to read it as you had to write it. And then to use the liberty of a true friend, in not sparing to ask you the question in any point whereof I shall stand in doubt: "Nam ejus est explicare, cujus est condere," as on the other part I will willingly give a due commendation to such places as in my opinion shall deserve it. In the mean time I can with comfort assure you, that you could not have made choice of a subject more befitting your place, and your universal and methodical knowledge; and in the general, I have already observed, that you jump with me, in keeping the mid-way between the two extremes; as also in some particulars, I have found that you agree fully with my opinion. And so praying God to give your work as good success as your heart can wish, and your labours deserve, I bid you heartily farewell.

JAMES R.

October 16, 1620.

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To the King, thanking his Majesty for his gracious acceptance of his book.

May it please your Majesty,—I cannot express how much comfort I received by your last letter of your own royal hand. I see your majesty is a star, that hath benevolent aspect and gracious influence upon all things, that tend to a general good.

" Daphni, quid antiquos signorum suspicis artus?
Ecce Dionæi processit Cæsaris astrum;
Astrum, quo segetes gauderent frugibus, et quo
Duceret apricis in collibus uva colorem."

This work, which is for the bettering of men's bread and wine, which are the characters of temporal blessings and sacraments of eternal, I hope, by God's holy providence, will be ripened by Cæsar's star.

Your majesty shall not only do to myself a singular favour, but to your business a material help, if you will be graciously pleased to open yourself to me in those things, wherein you may be unsatisfied. For though this work, as by position and principle, doth disclaim to be tried by any thing but by experience, and the results of experience in a true way; yet the sharpness and profoundness of your majesty's judgment ought to be an exception to this general rule; and your questions, observations, and admonishments, may do infinite good.

This comfortable beginning makes me hope farther, that your majesty will be aiding to me, in setting men on work for the collecting of a natural and experimental history; which is " basis totius negotii," a thing, which I assure myself will be, from time to time, an excellent recreation unto you; I say, to that admirable spirit of yours, that delighteth in light; and I hope well, that even in your times many noble inventions may be discovered for man's use. For who can tell, now this mine of truth is opened, how the veins go; and what lieth higher, and what lieth lower? But let me trouble your majesty no further at this time. God ever preserve and prosper your majesty.

October 19, 1620.

To the Marquis of Buckingham.

My very good Lord,—I send now only to give his majesty thanks for the singular comfort which I received by his majesty's letter of his own hand, touching my book. And I must also give your lordship of my best thanks, for your letter so kindly and affectionately written.

I did even now receive your lordship's letter touching the proclamation, and do approve his majesty's judgment and foresight about mine own. Neither would I have thought of inserting matter of state for the vulgar, but that now-a-days there is no vulgar, but all statesmen. But, as his majesty doth excellently consider, the time of it is not yet proper, I ever rest your Lordship's most obliged friend, and faithful servant, FR. VERULAM, Canc.

Indorsed—In answer to his majesty's directions touching the proclamation for a parliament.

A Letter from the Lord Chancellor Verulam to the University of Cambridge, upon sending to their public library his Novum Organum, to which this letter written with his own hand is affixed.

Almæ Matri Academiæ Cantabrigiensi,—Cum vester filius sim et alumnus, voluptati mihi erit, partum meum nuper editum vobis in gremium dare: aliter enim velut pro exposito eum haberem. Nec vos moveat, quod via nova sit. Necesse est enim talia per ætatum et seculorum circuitus evenire. Antiquis tamen suus constat honos; ingenii scilicet: nam fides verbo Dei et experientia tantùm debetur. Scientias autem ad experientiam retrahere, non conceditur: at, easdem ab experientiâ de integro excitare, operosum certè, sed pervium. Deus vobis, et studiis vestris faveat. Filius vester amantissimus,

Ex Ædibus Eborac. 3 Octob. 1620. FRANC. VERULAM, Canc.(a)

(a) Translation by Archbishop Tennison, in Baconiana, 192:—" Seeing I am your son, and your disciple, it will much please me to repose in your bosom

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Lord Bacon to Sir Henry Wotton.

My very good Cousin,—Your letter which I received from your lordship upon your going to sea was more than a compensation for any former omission; and I shall be very glad to entertain a correspondence with you in both kinds, which you writ of; for the latter whereof I am now ready for you, having sent you some ore of that mine. I thank you for your favours to Mr. Mewtus, and I pray continue the same. So wishing you out of that honourable exile, and placed in a better orb, I ever rest your Lordship's affectionate kinsman, and assured friend, FR. VERULAM, Canc. (*a*)

York House, Oct. 20, 1620.

Sir Henry Wotton to Lord Bacon.

Right honourable, and my very good Lord,—I have your lordship's letters, dated the 20th of October, and I have withal, by the care of my cousin, Mr. Thomas Meawtis, and by your own special favour, three copies of that work, wherewith your lordship hath done a great and ever-living benefit to all the children of nature, and to nature herself in her uttermost extent and latitude: who never before had so noble nor so true an interpreter, or (as I am readier to style your lordship) never so inward a secretary of her cabinet. But of your said work, which came but this week to my hands, I shall find occasion to speak more hereafter; having yet read only the first book thereof, and a few aphorisms of the second. For it is not a banquet that men may superficially taste, and put up the rest in their pockets; but in truth a solid feast, which requireth due mastication. Therefore when I have once myself perused the whole, I determine to have it read piece by piece at certain hours in my domestic college as an ancient author; for I have learned thus much by it already, that we are extremely mistaken in the computation of antiquity, (*b*) by

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the issue which I have lately brought forth into the world; for otherwise I should look upon it as an exposed child. Let it not trouble you, that the way in which I go is new; such things will of necessity happen in the revolutions of several ages. However, the honour of the ancients is secured: that, I mean, which is due to their wit. For faith is only due to the word of God, and to experience. Now, for bringing back the sciences to experience, is not a thing to be done; but to raise them anew from experience is indeed a very difficult and laborious, but not a hopeless undertaking. God prosper you and your studies.

"Your most loving son, FRANCIS VERULAM, Chancel."

(*a*) When this letter, together with the other two next before and after it, were written, upon the occasion of my Lord Chancellor's publishing his Novum Organum, Sir Henry Wotton, so eminent for his many embassies, great learning, candour, and other accomplishments, was resident at Vienna, endeavouring to quench that fire which began to blaze in Germany, upon the proclaiming the Elector Palatine King of Bohemia. How grateful a present this book was to Sir Henry, cannot better be expressed than by his answer to this letter; which though it may be found in his Remains, I hope the reader will not be displeased to see part of it transcribed in this place.—Bacon's Letters.

(*b*) Bentham, in his Book of Fallacies says: "What in common language is called old time, ought (with reference to any period at which the fallacy in question is employed) to be called young or early time. As between individual and individual living at the same time and in the same situation, he who is old possesses, as such, more experience than he who is young;—as between generation and generation, the reverse of this is true, if, as in ordinary language, a preceding generation be, with reference to a succeeding generation, called old;—the old or preceding generation could not have had so much experience as the succeeding. With respect to such of the materials or sources of wisdom which have come under the cognizance of their own senses, the two are on a par: with respect to such of those materials and sources of wisdom as are derived from the reports of others, the later of the two possesses an indisputable advan-

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searching it backwards, because indeed the first times were the youngest; especially in points of natural discovery and experience. For though I grant that Adam knew the natures of all beasts, and Solomon of all plants, not only more than any, but more than all since their time; yet that was by divine infusion, and therefore they did not need any such Organum as your lordship hath now delivered to the world; nor we neither, if they had left us the memories of their wisdom.

But I am gone further than I meant in speaking of this excellent labour, while the delight yet I feel, and even the pride that I take in a certain congeniality, as I may term it, with your lordship's studies, will scant let me cease: and indeed I owe your lordship even by promise, which you are pleased to remember, thereby doubly binding me, some trouble this way; I mean, by the commerce of philosophical experiments, which surely, of all other, is the most ingenuous traffic: therefore, &c.

That a copy was sent to Sir Edward Coke, appears from the following melancholy exhibition of this great lawyer's mind.

In the library of the late Thomas Earl of Leicester, the descendant of Sir Edward Coke, at Holkham in Norfolk, is a copy of the Novum Organum, entitled Instauratio Magna, printed by John Bill in 1620, presented to Sir Edward, who at the top of the title page has written *Edw. C. ex dono auctoris.*

Auctori Consilium.
Instaurare paras veterum documenta sophorum:
Instaura Leges Justitiamq; prius.

And over the device of the ship passing between Hercules's pillars, Sir Edward has written the two following verses:

"It deserveth not to be read in schooles,
But to be freighted in the Ship of Fools." (*a*)

The Novum Organum is noticed by Lord Bacon in other letters, both before and after the publication in 1620. In the year 1609 he wrote

To Mr. Matthew, upon sending to him a part of Instauratio Magna.

Mr. Matthew,—I plainly perceive by your affectionate writing touching my work, that one and the same thing affecteth us both; which is, the good end

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tage. In giving the name of old or elder to the earlier generation of the two, the misrepresentation is not less gross, nor the folly of it less incontestable, than if the name of old man or old woman were given to the infant in its cradle. What then is the wisdom of the times called old? Is it the wisdom of gray hairs? No. It is the wisdom of the cradle."*

(*a*) Alluding to a famous book of Sebastian Brand, born at Strasburgh about 1460, written in Latin and High Dutch verse, and translated into English in 1508, by Alexander Barklay, and printed at London the year following by Richard Pynson, printer to Henry VII. and Henry VIII. in folio, with the following title, "The Shyp of Follys of the World: translated in the Coll. of Saynt Mary Otery in the count of Devonshyre, oute of Latin, Frenche, and Doche, into Englesse tongue, by Alex. Barklay, preste and chaplen in the said College M,CCCCC,VIII." It was dedicated by the translator to Thomas Cornish, bishop of Tine and suffragan bishop of Wells, and adorned with a great variety of wooden cuts.

* No one will deny that preceding ages have produced men eminently distinguished by benevolence and genius; it is to them that we owe in succession all the advances which have hitherto been made in the career of human improvement: but as their talents could only be developed in proportion to the state of knowledge at the period in which they lived, and could only have been called into action with a view to then existing circumstances, it is absurd to rely on their authority, at a period and under a state of things altogether different.

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to which it is dedicated; for as to any ability of mine, it cannot merit that degree of approbation. For your caution for church-men and church-masters, as for any impediment it might be to the applause and celebrity of my work, it moveth me not; but as it may hinder the fruit and good which may come of a quiet and calm passage to the good port which it is bound, I hold it a just respect; so as to fetch a fair wind I go not too far about. But the truth is, that I at all have no occasion to meet them in my way; except it be as they will needs confederate themselves with Aristotle, who, you know, is intemperately magnified by the schoolmen; and is also allied, as I take it, to the jesuits, by Faber, who was a companion of Loyola, and a great Aristotelian. I send you at this time the only part which hath any harshness; and yet I framed to myself an opinion, that whosoever allowed well of that preface, which you so much commend, will not dislike, or at least ought not to dislike, this other speech of preparation; for it is written out of the same spirit, and out of the same necessity: nay, it doth more fully lay open that the question between me and the ancients is not of the virtue of the race, but of the rightness of the way. And to speak truth, it is to the other but as palma to pugnus, part of the same thing more large. You conceive aright, that in this and the other you have commission to impart and communicate them to others according to your discretion. Other matters I write not of. Myself am like the miller of Granchester, that was wont to pray for peace amongst the willows; for while the winds blew, the wind-mills wrought, and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences. Let me conclude with my perpetual wish towards yourself, that the approbation of yourself, by your own discreet and temperate carriage, may restore you to your country, and your friends to your society. And so I commend you to God's goodness.

Gray's Inn, Oct. 10, 1609.

And there is another letter, in which, to use his own words, it appears "how much his heart was upon it."

To Mr. Mathew.

Sir,—I thank you for your last, and pray you to believe, &c. And I must confess my desire to be, that my writings should not court the present time, or some few places, in such sort as might make them either less general to persons, or less permanent in future ages. As to the Instauration, your so full approbation thereof I read with much comfort, by how much more my heart is upon it; and by how much less I expected consent and concurrence in a matter so obscure. Of this I can assure you, that though many things of great hope decay with youth, and multitude of civil businesses is wont to diminish the price, though not the delight of contemplations, yet the proceeding in that work doth gain with me upon my affection and desire, both by years and businesses. And therefore I hope, even by this, that it is well pleasing to God, from whom, and to whom all good moves. To him I most heartily commend you.

And in his address written in the year 1622, to "An Advertisement touching an Holy War, to the Right Reverend Father in God, Lancelot Andrews, Lord Bishop of Winchester, and Counsellor of Estate, to his Majesty." After mentioning the instances of Demosthenes, Cicero, and Seneca, "All three persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals," he says, "These examples confirmed me much in a resolution whereunto I was otherwise inclined, to spend my time wholly in writing; and to put forth that poor talent, or half talent, or what it is, that God hath given me, not as heretofore to particular exchanges, but to banks or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my Instauration, which is the work that in mine own judgment, 'si nunquam fallit imago,' I do most esteem; I think to proceed in some new parts thereof, And although I have received from many parts beyond the seas, testimonies

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touching that work, such as beyond which I could not expect at the first in so abstruse an argument; yet nevertheless I have just cause to doubt, that it flies too high over men's heads: (a) have a purpose therefore, though I break the order of time, to draw it down to the sense, by some patterns of a Natural Story and Inquisition. And again, for that my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake: I have thought good to procure a translation of that book into the general language, not without great and ample additions, and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part."

Such are the different sentiments expressed by Lord Bacon of his favourite work.

The notices of this work by his faithful secretary and biographer, Dr. Rawley, and his admirer Archbishop Tennison, are as follows:—Dr. Rawley, in his life of Lord Bacon says, "I have been induced to think, that if there were a beam of knowledge derived from God, upon any man in these modern times, it was upon him: for though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself. Which, notwithstanding, he vented with great caution and circumspection. His book of Instauratio Magna (which, in his own account, was the chiefest of his works,) was no slight imagination or fancy of his brain, but a settled and concocted notion, the production of many years labour and travail. I myself have seen, at the least, twelve copies of the Instauration revised, year by year, one after another, and every year altered and amended in the frame thereof, till, at last, it came to that model in which it was committed to the press: as many living creatures do lick their young ones till they bring them to their strength of limbs."

And Archbishop Tennison, speaking of the Novum Organum, says, The second part of his great Instauration (and so considerable a part of it, that the name of the whole is given to it) is his Novum Organum Scientiarum, written by himself in the Latin tongue, and printed also most beautifully and correctly in folio, at London. This work he dedicated to King James, with the following excuse; that, if he had stolen any time, for the composure of it, from his majesty's other affairs, he had made some sort of restitution, by doing honour to his name and his reign. The king wrote to him, then chancellor, a letter of thanks with his own hand. Part of the dedication is then stated.

This Novum Organum containeth in it instructions concerning a better and more perfect use of reason in our inquisitions after things. And therefore the second title which he gave it was, directions concerning interpretations of nature. And by this art he designed a logic more useful than the vulgar, and an Organon apter to help the intellectual powers than that of Aristotle. For he proposed here, not so much the invention of arguments, as of arts; and in demonstration, he used induction more than contentious syllogism; and in his induction, he did not straightway proceed from a few particular sensible notions to the most general of all, but raised axioms by degrees, designing the most general notions for the last place; and insisting on such of them as are not merely notional, but coming from nature, do also lead to her.

(a) Mr. Chamberlain, in a letter to Sir Dudley Carleton, ambassador at Holland, dated at London, October 28, 1620, mentions, that Mr. Henry Cuffe, who had been secretary to Robert, Earl of Essex, and executed for being concerned in his treasons, having long since perused this work, gave his censure, "that a fool could not have written such a work, and a wise man would not." And, in another letter, dated February 3, 1620-1, Mr. Chamberlain takes notice, that the King could not forbear sometimes, in reading that book, to say, that it was "like the peace of God, that passeth all understanding."

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This book containeth three parts, the Preface; the distribution of the work of the great Instauration; Aphorisms, guiding to the interpretation of nature.

The preface considereth the present unhappy state of learning, together with counsels and advices to advance and improve it. To this preface therefore, are to be reduced the Indicia, and the proem in Gruter, concerning the interpretation of nature; the first book de Augmentis Scientiarum, which treateth generally of their dignity and advancement; and his lordship's "Cogitata et Visa" written by him, in Latin, without intention of making them public in that form, and sent to Dr. Andrews, as likewise to Sir Thomas Bodley, with a desire to receive their censures and emendations. The latter returned him a free and friendly judgment of this work, in a large and learned letter, published in the Cabala, in the English tongue, and by Gruter in the Latin. The like, perhaps, was done by the former, though his answer be not extant.

To the distribution belongeth that Latin fragment in Gruter, called the Delineation and Argument, of the second part of the Instauration. So doth that of the philosophy of Parmenides and Telesius, and (especially) Democritus. For, as he sheweth in the beginning of that part, he designed first to consider the learning of which the world was possessed; and then to perfect that; and that being done, to open new ways to further discoveries.

To the Aphorisms is reducible his letter to Sir Henry Savil, touching helps for the intellectual powers, written by his lordship in the English tongue. A part of knowledge then scarce broken, men believing that nature was here rather to be followed than guided by art; and as necessary (in his lordship's opinion) as the grinding and whetting of an instrument or the quenching it, and giving it a stronger temper.

Also there belong to this place, the fragment called "Aphorismi et Consilia, de Auxiliis Mentis," and "Sententiæ Duodecim de Interpretatione Naturæ;" both published by Gruter in the Latin tongue, in which his lordship wrote them.

Different Editions of Novum Organum.

The first edition of the Novum Organum was published in folio in 1620, when Lord Bacon was Chancellor; annexed is the title page: *Francisci de Verulamio summi Angliæ Cancellarii, Instauratio Magna. Londini, apud Joannem Billium Typographum Regium.*

Another edition was published in Holland in 1645.

Another edition was published in 1650. Annexed is the title page: *Francisci de Verulamio summi Angliæ Cancellarii, Instauratio Magna. Lvgd. Batav. Ex Officina Andriani Wyngaerden.*

Another edition was published in 1660. Annexed is the title page: *Francisci de Verulamio, summi Angliæ Cancellarii, Instauratio Magna. Amstelædami, sumptibus Joannis Ravesteing.*

Francisci Baconi Baronis de Verulamio Novum Organum Scientiarum. Wirceburgi, apud Jo. Jac. Stahel. 1779.

Another edition was published at Oxford in 1813. Annexed is the title page: *Francisci Buconi de Verulamio, summi Angliæ Cancellarii, Novum Organum, sive Indicia vera de Interpretatione Naturæ. Oxonii, e Typographeo Clarendoniano.*

Translations.

Translation, 1640. From Watts' Translation of De Augmentis.

The introductory tract prefixed to the Novum Organum was translated in 1640 by Dr. Watts, and is prefixed to his translation of the treatise "De Augmentis."

Translation, 1671. From the 3rd edition of Resuscitatio.

In the third edition of the Resuscitatio, published in 1671, there are three translated tracts from the Novum Organum, viz.

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NOTE B B B.

1. "The Natural and Experimental History of the Form of Hot Things."
2. "Of the several kinds of Motion, or of the active Virtue."
3. A translation of the Parasceve, which is the beginning of the third part of the Instauration, but is annexed to the Novum Organum in the first edition.

The following is the title page: *A Preparatory to the History Natural and Experimental, written originally in Latine, by the Right Honourable Francis Lord Verulam, Lord High Chancellor of England, and now faithfully rendred into English. By a well wisher to his Lordship's writings. London, printed by Sarah Griffing and Ben. Griffing, for William Lee, at the Turks-head in Fleet Street, over against Fetter-Lane.* 1670.

Translation, 1676. From 10th edition of Sylva.

In the 10th edition of the Sylva Sylvarum, there is an abridged translation of the Novum Organum. The following is a copy of the title page: *The Novum Organum of Sir Francis Bacon, Baron of Verulam, Viscount St. Albans. Epitomiz'd: for a clearer understanding of his Natural History. Translated and taken out of the Latine, by M. D. B. D. London, Printed for Thomas Lee, at the Turks-head in Fleet Street.* As this tenth edition of the Sylva was published 1676, and Dr. Rawley died 1667, it must not, from any documents now known, be ascribed to him. It is not noticed in the Baconiana, published in 1679.

In 1733, Peter Shaw, M.D. published a translation of the Novum Organum.

In the year 1830 the translation published in this edition was by my friend, William Wood.

In the year 1788 an Italian edition was published. The following is the title: *Nuovo Organo delle Scienze di Francesco Bacone di Verulamio, Gran Cancelliere d'Inghilterra. Traduzione in Italiano con Annotazioni ed una Prefazione del Traduttore. Bassano,* 1788, *a Spese Remondini di Venezia. Con Licenza de' Superiori.*

In the year 1810 there was another Italian edition of the Novum Organum. Annexed is a copy of the title page: *Nuovo Organo delle Scienze di Francesco Bacone di Verulamio traduzione in Italiano del can. Antonio Pelizzari. Edizione seconda arricchita di un Indice e di Annotazioni. Bassano, Tipografia Remondiniana.*

There is the following edition in French: *Œuvres de François Bacon, Chancelier d'Angleterre, traduites par Ant. Lasalle; avec des notes critiques, historiques et littéraires. Tome quatrième. A Dijon, de l'Imprimerie de L. N. Frantin. An* 8 *de la République Française.*

Different Editions.

Year.	*Language.*	*Printer.*	*Place.*	*Size.*
1620	Latin	T. Bill	London	Folio.
1645	Ditto			18mo.
1650	Ditto	Wyngarden	Lugd. Bat.	18mo.
1660	Ditto	Rovestein	Ams.	18mo.
1779	Ditto	I. Stahel	Wirceburg	8vo.
1803	Ditto	Serymgeour	Glasguæ	12mo.
1813	Ditto	Clarendon	Oxford	8vo.

Translations.

1671	English	3rd edition of Resuscitatio.		
1676	English	10th edition of Sylva.		
1733	English, by Shaw,	Knapton	London	4to.
1788	Italian	Venezia	Basano	8vo.
1793	German	Nauck	Berlin	8vo.
1810	Italian	Remondiniana	Basano	8vo.
1818	English, by Shaw,	Sherwood	London	12mo.
Year 8 Fr. Rep.	French	Frantin	Dijon	8vo.
1830	Wood	Whittingham	London	8vo.

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Tracts relating to Novum Organum.

In the British Museum there are the following tracts relating to the Novum Organum.

1. MS. Sloane, No. 432. fo. 131. Consideratio Novi Organi Verulamii institutu olim a David Mylio.
2. MS. Sloane, No. 432. fol. 38. Consideratio considerationis Mylianæ.

Nature of the Work.

Miscellaneous.

The intention of Lord Bacon with respect to the Novum Organum, he has himself explained in Aph. 22. part 2, where he says: We therefore propose to treat,

1. Of prerogative instances.
2. Of the helps of induction.
3. Of the rectification of induction.
4. Of the method of varying inquiries according to the nature of the subject.
5. Of prerogative natures for inquiry, or what subjects are to be inquired into first, what second.
6. Of the limits of inquiry, or an inventory of all the natures in the universe.
7. Of reducing inquiries to practice, or making them subservient to human uses.
8. Of the preliminaries to inquiries.
9. And lastly, of the ascending and descending scale of axioms.

Of these nine parts, the first, or prerogative instances, was alone completed. —"But time, in the interim, being on the wing, and the author too much engaged in civil affairs, especially considering the uncertainties of life, he would willingly hasten to secure some part of his design from contingencies; and after much close thought, and a deliberate consideration, he determined, that to prevent so useful a thing from disaster, the best course was to propose and lay down certain tables of invention, or forms of genuine inquiry, that is, the digested matter of particulars, designed for the work of the understanding, and this in some determinate subjects, by way of example, or a palpable model of the whole. And hence, though we should not ourselves complete the undertaking, yet men of a solid and sublime genius, being thus admonished by what we have offered, may, without any greater assistance, expect the rest from themselves and finish it. For, as to the matter in hand, we are almost of his opinion, who said, this is enough for the wise; but for the unwise, more would not be serviceable."

Annexed to the Novum Organum in the first edition is, *Parasceve ad Historiam Naturalem et Experimentalem*, which is in fact the beginning of the third part of the Instauration. It is translated in the third edition of Resuscitatio.

NOTE CCC.

The Wisdom of the Ancients.

The first edition was published in 1609. In February 27, 1610, Lord Bacon wrote to Mr. Matthew, upon sending his book De Sapientia Veterum.

"Mr. Matthew,—I do very heartily thank you for your letter of the 24th of August from Salamanca; and in recompence therefore I send you a little work of mine that hath begun to pass the world. They tell me my Latin is turned into silver, and become current: had you been here, you should have been my inquisitor before it came forth; but, I think, the greatest inquisitor in Spain will allow it. But one thing you must pardon me if I make no haste to believe, that the world should be grown to such an ecstasy as to reject truth in phi-

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losophy, because the author dissenteth in religion; no more than they do by Aristotle or Averroes. My great work goeth forward; and after my manner, I alter ever when I add. So that nothing is finished till all be finished. This I have written in the midst of a term and parliament; thinking no time so possessed, but that I should talk of these matters with so good and dear a friend. And so with my wonted wishes I leave you to God's goodness.

"From Gray's Inn, Feb. 27, 1610."

And in his letter to Father Fulgentio, giving some account of his writings, he says, "My Essays will not only be enlarged in number, but still more in substance. Along with them goes the little piece 'De Sapientia Veterum.'"

Bacon's sentiments with respect to these fables may be found in the "Advancement of Learning," and in the "De Augmentis," under the head of Poetry.

In the "Advancement of Learning" he says, "There remaineth yet another use of poesy parabolical, opposite to that which we last mentioned: for that tendeth to demonstrate and illustrate that which is taught or delivered, and this other to retire and obscure it: that is, when the secrets and mysteries of religion, policy, or philosophy, are involved in fables or parables. Of this in divine poesy we see the use is authorized. In heathen poesy we see the exposition of fables doth fall out sometimes with great felicity; as in the fable that the giants being overthrown in their war against the gods, the Earth, their mother, in revenge thereof brought forth fame:

> 'Illam Terra parens, irâ irritata deorum,
> Extremam, ut perhibent, Cœo Enceladoque sororem
> Progenuit,"

expounded, that when princes and monarchs have suppressed actual and open rebels, then the malignity of the people, which is the mother of rebellion, doth bring forth libels and slanders, and taxations of the state, which is of the same kind with rebellion, but more feminine. So in the fable, that the rest of the gods having conspired to bind Jupiter, Pallas called Briareus with his hundred hands to his aid, expounded, that monarchies need not fear any curbing of their absoluteness by mighty subjects, as long as by wisdom they keep the hearts of the people, who will be sure to come in on their side. So in the fable, that Achilles was brought up under Chiron the centaur, who was part a man and part a beast, expounded ingeniously, but corruptly by Machiavel, that it belongeth to the education and discipline of princes to know as well how to play the part of the lion in violence, and the fox in guile, as of the man in virtue and justice. Nevertheless, in many the like encounters, I do rather think that the fable was first, and the exposition then devised, than that the moral was first, and thereupon the fable framed. For I find it was an ancient vanity in Chrysippus, that troubled himself with great contention to fasten the assertions of the Stoics upon the fictions of the ancient poets; but yet that all the fables and fictions of the poets were but pleasure and not figure, I interpose no opinion. Surely of those poets which are now extant, even Homer himself, (notwithstanding he was made a kind of Scripture by the latter schools of the Grecians,) yet I should without any difficulty pronounce that his fables had no such inwardness in his own meaning; but what they might have upon a more original tradition, is not easy to affirm; for he was not the inventor of many of them."

In the treatise "De Augmentis," the same sentiments will be found with a slight alteration in the expressions. He says, "there is another use of parabolical poesy, opposite to the former, which tendeth to the folding up of those things, the dignity whereof deserves to be retired and distinguished, as with a drawn curtain: that is, when the secrets and mysteries of religion, policy, and philosophy are veiled and invested with fables and parables. But whether there be any mystical sense couched under the ancient fables of the poets, may admit some doubt: and indeed for our part we incline to this opinion, as to think that there was an infused mystery in many of the ancient fables of the

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poets. Neither doth it move us that these matters are left commonly to schoolboys and grammarians, and so are embased, that we should therefore make a slight judgment upon them: but contrariwise because it is clear that the writings which recite those fables, of all the writings of men, next to sacred writ, are the most ancient; and that the fables themselves are far more ancient than they (being they are alleged by those writers, not as excogitated by them, but as credited and recepted before) seem to be, like a thin rarefied air, which from the traditions of more ancient nations, fell into the flutes of the Grecians."

This tract seems, in former times, to have been much valued, for the same reason, perhaps, which Bacon assigns for the currency of the Essays; "because they are like the late new halfpence, which, though the silver is good, yet the pieces are small." Of this tract, Archbishop Tenison in his Baconiana, says, "In the seventh place, I may reckon his book De Sapientia Veterum, written by him in Latin, and set forth a second time with enlargement;* and translated into English by Sir Arthur Georges: a book in which the sages of former times are rendered more wise than it may be they were by so dextrous an interpreter of their fables. It is this book which Mr. Sandys means, in those words which he hath put before his notes, on the Metamorphosis of Ovid. 'Of modern writers, I have received the greatest light from Geraldus, Pontanus, Ficinus, Vives, Comes, Scaliger, Sabinus, Pierius, and the crown of the latter, the Viscount of St. Albans.'

"It is true, the design of this book was instruction in natural and civil matters, either couched by the ancients under those fictions, or rather made to seem to be so by his lordship's wit, in the opening and applying of them. But because the first ground of it is poetical story, therefore let it have this place till a fitter be found for it."

The author of Bacon's Life, in the Biographia Britannica, says, "that he might relieve himself a little from the severity of these studies, and as it were amuse himself with erecting a magnificent pavilion, while his great palace of philosophy was building, he composed and sent abroad in 1610, his celebrated treatise Of the Wisdom of the Ancients, in which he showed that none had studied them more closely, was better acquainted with their beauties, or had pierced deeper into their meaning. There have been very few books published, either in this or in any other nation, which either deserved or met with more general applause than this, and scarce any that are like to retain it longer, for in this performance Sir Francis Bacon gave a singular proof of his capacity to please all parties in literature, as in his political conduct he stood fair with all the parties in the nation. The admirers of antiquity were charmed with this discourse, which seems expressly calculated to justify their admiration; and, on the other hand, their opposites were no less pleased with a piece, from which they thought they could demonstrate that the sagacity of a modern genius had found out much better meanings for the ancients than ever were meant by them."

And Mallet, in his Life of Bacon, says, "In 1610 he published another treatise, entitled Of the Wisdom of the Ancients. This work bears the same stamp of an original and inventive genius with his other performances. Resolving not to tread in the steps of those who had gone before him, men, according to his own expression, not learned beyond certain common places, he strikes out a new tract for himself, and enters into the most secret recesses of this wild and shadowy region, so as to appear new on a known and beaten subject. Upon the whole, if we cannot bring ourselves readily to believe that there is all the physical, moral, and political meaning veiled under those fables of antiquity, which he has discovered in them, we must own that it required no common penetration to be mistaken with so great an appearance of probability on his side. Though it still remains doubtful whether the ancients were so knowing as he attempts to shew they were, the variety and depth of his own knowledge are, in that very attempt, unquestionable."

* In the year 1617, in Latin. It was published in Italian in 1618; in French, in 1619.

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In the year 1619, this tract was translated by Sir Arthur Georges. Prefixed to the work are two letters; the one to the Earl of Salisbury, the other to the University of Cambridge, which Georges omits, and dedicates his translation to the high and illustrious Princess the Lady Elizabeth of Great Britain, Duchess of Baviare, Countess Palatine of Rheine, and Chief Electress of the Empire.

This translation, it should be noted, was published during the life of Lord Bacon by a great admirer of his works.

The editions of this work with which I am acquainted are:

Year.	*Language.*	*Printer.*	*Place.*	*Size.*
1609.....	Latin	R. Barker.....	London	12mo.
1617.....	Ditto	T. Bill	Ditto	Ditto.
1619.....	English	Ditto	Ditto	Ditto.
1620.....	Ditto	Ditto	Ditto	Ditto.
1633.....	Latin.....	F. Maire	Lug. Bat.	Ditto.
1634.....	Ditto	F. Kingston ...	London	Ditto.
1638.....	Latin	E. Griffin	London	Folio.
1691.....	Ditto	H. Weston	Amsterdam ...	12mo.
1804.....	French	H. Frantin	Dijon	8vo.

NOTE DDD.

Proof of the increase of business in the Court of Chancery.

This note is divided into two parts:

First. Proof of the assertion that the business of the court had increased to this uncontrolable extent.

Secondly. The remedies of this evil.

First. Proof that the business of the court had increased.

That the business of the court had, in the time of Lord Bacon, so increased as to require additional power to subdue it, appears; 1st, from the consideration that the science of equity had been increasing for years; 2ndly, from the complaints which, soon after were made in parliament, of which the following extract from the Journals of the Commons in 1620 will exhibit a specimen.

The parliament met on the 16th of Jan. 18 Jacobi, when various committees were appointed.

Sabbati, 17° Februarii, 18° Jacobi.

Sir Edward Sackvyle reporteth from the committee for courts of justice, four heads: 1. Interfering of courts. Against protections. That an ordinary course in the court of Wards, where the principal dieth, his heir in ward, the surety protected; so that the party that lent in great danger to lose his money. 2dly. Prosecutors for concealed wards, find an office in the remote parts of the country. A lease of lands gotten before the party knew it. A travers will cost 100 marks: instance in Dayrell and Newdigate's case.

2. The jurisdiction of courts, one pressing upon another. That at this time one committed in the court of Wards, for not obeying the decree there, where ordered against the ward: in the Chancery, ordered on the other part, and the person in prison there. Master of the Rolls' motion to have that determined by private conference, or to be ordered by the king; not here, where properly not determinable.

3. For fees: so great, as more cost to get an hearing set down of his cause than the cause worth. That alleged, the fees not now much greater than forty years sithence; but many new officers in courts, who took much greater fees than heretofore.

4. For both the first grievances in the court of Wards; a bill against the

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protection, in the first case; and the prosecutors to be put into the bill against informers.

That offered from the Lord Chancellor, he would willingly consent that any man might speak freely any thing concerning his court.

Mr. Alford: To re-commit all these things, because not yet ripe.

To inform the lords, what liberties they have lost. 2dly. Of the luxuriant authority of the Chancery; and that it devoureth all that cometh into it.

16 March.—Length of causes: 23 his; some 30 years. Mulct in the civil law if a cause above three years. This power too much for any one man.

That the Masters in Chancery should be reduced from twelve to six, &c. &c.

3rdly. From the increased but unavailing exertion of the Chancellor to subdue the business.

Lord Egerton.

In Lord Bacon's speech upon taking his seat, he says:—For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid; that upon the solemn and full hearing of a cause nothing is pronounced in court, but breviates are required to be made; which I do not dislike in itself in causes perplexed. For I confess I have somewhat of the cunctative; and I am of opinion, that whosoever is not wiser upon advice than upon the sudden, the same man was no wiser at fifty than he was at thirty. And it was my father's ordinary word, "You must give me time." But yet I find when such breviates were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the Chancery pace be slow.

D'Aguesseau.

The same anxiety was felt in France by Chancellor d'Aguesseau. Mr. Butler, in his Reminiscences says, "The only fault imputed to him was dilatoriness of decision. We should hear his own apology. The general feeling of the public on this head was once respectfully communicated to him by his son. 'My child,' said the Chancellor, 'when you have read what I have read, seen what I have seen, and heard what I have heard, you will feel that if on any subject you know much, there may be also much that you do not know, and that something, even of what you know, may not at the moment be in your recollection. You will then too be sensible of the mischievous and often ruinous consequences of even a small error in a decision; and conscience, I trust, will then make you as doubtful, as timid, and consequently as dilatory as I am accused of being.'"

Sir Matthew Hale.

So too of Sir Matthew Hale it is said, "He continued eleven years in that place; and it was observed by the whole nation how much he raised the reputation and practice of that court. The only complaint ever made against him was, 'that he did not dispatch matters quick enough,' but the causes that were tried before him were seldom if ever tried again."

Lord Keeper North.

The biographer of Lord Keeper North says, "I come now to his lordship's last and highest step of preferment in his profession, which was the custody of the great seal of England. And for conformity of language, I call this a preferment; but in truth (and as his lordship understood) it was the decadence of all the joy and comfort of his life, and instead of a felicity, as commonly reputed, it was a disease like a consumption, which rendered him heartless and dispirited. By his acceptance of the great seal, he became, as before of the law, so now of equity, a chief, or rather sole justice. And more than that, he must be a director of the English affairs at court as chief minister of state, with respect to legalities, for which he was thought responsible. So, what with equity, politics, and law, the cares and anxieties of his lordship's life were

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exceedingly increased; for either of these provinces brought too much upon the shoulders of any one man (who cordially and conscientiously espouseth the duty required of him), to be easily borne. The greatest pain he endured, moved from a sense he had of the torment the suitors underwent by the excessive charges and delays of the court. And the truth is, a court, as that is, with officers and fees proper for a little business, such as the judiciary part anciently was, coming to possess almost all the justice of the nation, must needs appear troubled. The business of his office was too great for one, who thought he was bound to do it all well."

Lord Eldon.

It was my good fortune to practise in the court of Chancery when the venerable Lord Eldon presided in the court. He was a man of sound judgment; he was never diverted from the truth by immediate impression. "I have made a covenant with myself," was his favourite maxim, "not to decide hastily, when I am powerfully excited." He decided with unbiassed impartiality, never suffering any passion to interfere with the love of truth and of justice. He was quick in forming his opinions, but slow in deciding. From his extensive and accurate knowledge of law he appeared to me immediately to see the whole merits of the case; but, from his anxiety to be just, his habit was, diligently to discover, before he decided, every thing which could be urged against the opinion he had formed. He was not tenacious in retaining any opinion. He was never ashamed of being wiser to-day than he was yesterday. A more analytical and discriminating mind never existed; but he well knew where to stop: he never suffered himself to wander from the substance of the matter in judgment into useless subtlety and refinement. A more anxious judge never presided on earth. He was "patientissimus veri." A kinder heart never beat. His habit was the same as Lord Egerton's, and might be described in the same words as are used by Bacon: "For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid, that upon the solemn hearing of a cause nothing is pronounced in court, but breviates are required to be made, which I do not dislike in causes perplexed. But yet I find that when such breviates were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the Chancery pace be slow."

In the year 1826 a commission was appointed to inquire into the delays of the court of Chancery. I was examined before this commission, and thus spoke respecting Lord Eldon: "I cannot but think it most unjust to confound the court with the judge. There is a spirit of improvement now moving upon this country, which ought not, as it appears to me, to be impeded by personality. Permanent defects in a court may perhaps generally be traced to the constitution of the court; that is, not to the judge, but to society. The real causes of these delays, are (I conceive) because the business of the court has increased for centuries, until it has become too extensive. This was assumed by the legislature, when the Vice Chancellor's court was appointed; but since the appointment of the Vice Chancellor, the Lord Chancellor sits for a less time, and is, unless I am much mistaken, less able, when he does sit, to accelerate business. I consider the fact with respect to the delays in deciding to be indisputable, I am repeatedly urged to ask the Lord Chancellor for judgment, and I do again and again mention petitions to the Lord Chancellor; but, knowing the pressure of business upon him, I confess I always do it with considerable reluctance."

Having stated what appeared to me to be the different causes of these delays, I proceeded as follows: "The third cause appears to me to be, partly the constitution of the Chancellor's mind, and his anxiety to decide justly; as an instance of which I beg to mention the case of Ex parte Blackburn, which I have stated to have been in the paper last year, relating to transactions so many years back. I argued this case (I think I may say) two or three times, and I certainly never was in my life more satisfied with my own argument than I was

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in that case. I mentioned it again and again to the court, but I could not obtain judgment. At last the Lord Chancellor stated that he had been deliberating upon the case for many hours during the night, and that there was one point which had escaped me in my argument, to which he wished to direct my attention, and he was pleased to direct my attention to it, and to desire it to be re-argued; and upon re-arguing it, I was satisfied that he was right, and I was wrong; and whatever may have been the cause of the delay, the consequence has been, that he has prevented the injustice which I should have persuaded him to have committed. I beg also to mention another case, (Ex parte Leigh), which will be found in Glyn and Jameson, 264, the case of a habeas corpus; where, to my knowledge, the prisoner was detained illegally, upon an affidavit upon detainers for debt by a Mr. Claughton, (I think for 10,000*l*). The court of King's Bench refused to discharge him. I presented a petition to the Chancellor on behalf of the bankrupt, being convinced that the decision of the court of King's Bench was erroneous; and, it being in the case of the liberty of a prisoner, the Chancellor heard it immediately, and took the trouble of applying to the Chief Justice of the court of King's Bench; and, after deliberation, thought it his duty to reverse the judgment, and to order him to be discharged; and, but for this care and deliberation, I am satisfied he would have been in prison at this moment, as I know the hostility between these parties is continuing to this very day. There is a petition in the paper between them coming on at these sittings. I am so convinced of the Lord Chancellor's caution and sense of justice, that, notwithstanding some resistance, I have always insisted upon the right given to prisoners by the habeas corpus act to select their own judge, which I trust will never be diminished, and have selected the Lord Chancellor in preference to all the judges. With the pressure of business upon the Lord Chancellor, and his anxiety, it is (I conceive) very difficult for him to decide expeditiously; and if any part of the blame is to attach to the Lord Chancellor, it is (I conceive) only this anxiety (ultra anxiety if I may so say) to decide justly. I have no disposition to praise the Chancellor, or any man living, more than I ought. I am much mistaken if there are any two men in the country who differ more in their views of society than the Lord Chancellor and myself. I almost always thought and acted, and I am rejoiced at the recollection of it, with Sir Samuel Romilly: but, speaking of the Lord Chancellor as a judge, I should be most ungrateful if I did not feel his kindness to me for near twenty years, and (as I think) to the whole of his profession, during his long judicial life. I should think most ill of myself, if I did not look up with the greatest respect to his extensive knowledge and extraordinary powers; dilating his sight so as to view the whole of every subject, and contracting it so as not to suffer the most minute object to escape him. I should be most unjust, if I did not acknowledge his patience to hear, his charity to hope, and his anxiety to do justice to every suitor of the court. I trust, therefore, that I shall be protected from the supposition that I wish to ascribe the faults of the court to the judge."—Do not these permanent effects upon powerful minds say that the business of the court was beyond the reach of any one mind?

"Mark," says Lord Bacon, "whether the doubts that arise are only in cases not of ordinary experience, or which happen every day. If in the first, impute it to the frailty of man's foresight, that cannot reach by law all the cases; but, if in the latter, be assured that there is a fault in the law itself."

Secondly. The Remedies.

Assuming that the pressure upon the court had thus increased, the question is, how ought it to be met? The modes are two.

First, by increasing the number of the judges in the same or in different courts.

Secondly, by increased diligence on the part of the individual judge.

The tendency of society would be to adopt the latter mode. Lord Bacon, in his instances of power in the Novum Organum, says, "It is one of the great obstacles to improvement that the mind has a tendency to suppose that nothing can be accomplished, unless the same means be employed with, perhaps, a

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little more diligence; and more accurate preparation; whereas, on the contrary, it may be stated as a fact, that the ways and means hitherto discovered and observed, of effecting any matter or work, are for the most part of little value, and that all really efficient power depends, and is really to be deduced from the sources of forms; none of which have yet been discovered. Thus," he adds, "if any power had meditated on balistic machines and battering rams, as they were used by the ancients, whatever application he might have exerted, and though he might have consumed a whole life in the pursuit, yet would he never have hit upon the invention of flaming engines, acting by means of gunpowder; nor would any person, who had made woollen manufactories and cotton the subject of his observation and reflection, have ever discovered thereby the nature of the silkworm or of silk." Unfortunately, therefore, the mode of remedying this evil in the court of Chancery was, not by resorting to any new expedient, but by calculating upon increased exertion on the part of the Chancellor; and the consequence has been, such an inadequacy of power to subdue the business, that the word Chancery has been for centuries, and is proverbial for delay and expence.

The increased diligence on the part of the court has always manifested itself in proportion to the intelligence and expanded mind of the judge, as appears from the exertions of Lord Egerton, of Lord Eldon, and of Sir M. Hale.

I well remember the perplexities in which Lord Eldon was placed. The pressure of the business was so great, and the time requisite for politics was, during the French Revolution, so excessive, that it was impossible that the business of the court could be subdued by his, or by any mind. On the one side he was surrounded by the senseless yells of ignorance, which he might have pacified by affected dispatch: on the other side, he had to preserve the interests of the suitors and his own approbation, by the consciousness of acting as a judge ought to act, without any fear but the fear of deciding unjustly. He preferred the latter. He went right onward in his course, regardless of the bayings at him; and, to the disgrace of the country, he was censured by the great mass of the community for having sacredly preserved the interests of the suitors and the dignified administration of justice. It may be well for a moment to consider Lord Bacon's sentiments upon judicial delay and dispatch.

In his essay "Of Dispatch" he says, "Affected dispatch is one of the most dangerous things to business that can be: it is like that which the physicians call predigestion, or hasty digestion; which is sure to fill the body full of crudities and secret seeds of diseases: therefore measure not dispatch by the times of sitting, but by the advancement of the business; and as, in races, it is not the large stride, or high lift, that makes the speed; so in business, the keeping close to a matter, and not taking of it too much at once, procureth dispatch. It is the care of some only to come off speedily for the time, or to contrive some false periods of business, because they may seem men of dispatch; but it is one thing to abbreviate by contracting, another by cutting off; and business so handled at several sittings or meetings, goeth commonly backward and forward in an unsteady manner. I knew a wise man that had it for a byword, when he saw men hasten to a conclusion, 'Stay a little, that we make an end the sooner.'

"On the other side, true dispatch is a rich thing; for time is the measure of business, as money is of wares; and business is bought at a dear hand where there is small dispatch.

"There be three parts of business: the preparation, the debate, or examination, and the perfection; whereof if you look for dispatch, let the middle only be the work of many, and the first and last the work of few. The proceeding upon somewhat conceived in writing doth for the most part facilitate dispatch; for though it should be wholly rejected, yet that negative is more pregnant of direction than an indefinite, as ashes are more generative than dust."

And in his speech, when he took his seat as Chancellor, he says, "There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn

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utterly to delay at length; for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in Chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another; and like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey.

To the same effect he says, in his essay "Of Delays," "The ripeness or unripeness of the occasion (as we said) must ever be well weighed; and generally it is good to commit the beginnings of all great actions to Argos with his hundred eyes, and the ends to Briareus with his hundred hands; first to watch, and then to speed; for the helmet of Pluto, which maketh the politic man go invisible, is secrecy in the council, and celerity in the execution; for when things are once come to the execution, there is no secrecy comparable to celerity; like the motion of a bullet in the air, which flieth so swift as it outruns the eye."

It is evident Lord Bacon thought the number of the judges ought to be increased. Although in the infancy of the science of equity its administration ought perhaps to be entrusted to one master mind, yet, when the science advances, it swells beyond the power of any individual. Hence Lord Bacon, in the thirty-eighth aphorism of his "Justitia Universalis," says, "At curiæ illæ uni viro ne committantur sed ex pluribus constent." And he says to the same effect in his tract on the perfection of the Church: "But there be two circumstances in the administration of bishops, wherein, I confess, I could never be satisfied; the one, the sole exercise of their authority; the other, the deputation of their authority.

"For the first, the bishop giveth orders alone, excommunicateth alone, judgeth alone. This seemeth to be a thing almost without example in good government, and therefore not unlikely to have crept in in the degenerate and corrupt times. We see the greatest kings and monarchs have their councils. There is no temporal court in England of the higher sort where the authority doth rest in one person. The king's bench, common pleas, and the exchequer, are benches of a certain number of judges. The chancellor of England hath an assistance of twelve masters of the chancery. The master of the wards hath a council of the court: so hath the chancellor of the duchy. In the exchequer chamber, the lord treasurer is joined with the chancellor and the barons. The masters of the requests are ever more than one. The justices of assize are two. The lord presidents in the North and in Wales have councils of divers. The star-chamber is an assembly of the king's privy council, aspersed with the lords spiritual and temporal: so as in courts the principal person hath ever either colleagues or assessors.

"The like is to be found in other well governed commonwealths abroad, where the jurisdiction is yet more dispersed: as in the court of parliament of France, and in other places. No man will deny but the acts that pass the bishop's jurisdiction are of as great importance as those that pass the civil courts: for men's souls are more precious than their bodies or goods, and so are their good names. Bishops have their infirmities, and have no exception from that general malediction which is pronounced against all men living, "Væ soli, nam si occideret, &c." Nay, we see that the first warrant in spiritual causes is directed to a number, 'Dic Ecclesiæ;' which is not so in temporal matters: and we see that in general causes of church government there are as well assemblies of all the clergy in councils as of all the states in parliament. Whence should this sole exercise of jurisdiction come? Surely I do suppose, and I think upon good ground, that 'ab initio non fuit ita;' and that the deans and chapters were councils about the sees and chairs of bishops at the first, and were unto them a presbytery or consistory; and intermeddled not only in the disposing of their revenues and endowments, but much more in jurisdiction

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ecclesiastical. But it is probable, that the deans and chapters stuck close to the bishops in matters of profit and the world, and would not lose their hold; but in matters of jurisdiction, which they accounted but trouble and attendance, they suffered the bishops to incroach and usurp; and so the one continueth, and the other is lost. And we see that the bishop of Rome, 'fas enim et ab hoste doceri,' and no question in that church the first institutions were excellent, performeth all ecclesiastical jurisdiction as in consistory.

"And whereof consisteth this consistory, but of the parish priests of Rome, which term themselves cardinals, 'a cardinibus mundi,' because the bishop pretendeth to be universal over the whole world? And hereof again we see many shadows yet remaining: as, that the dean and chapter, 'pro forma,' chooseth the bishop, which is the highest point of jurisdiction; and that the bishop, when he giveth orders, if there be any ministers casually present, calleth them to join with him in imposition of hands, and some other particulars. And therefore it seemeth to me a thing reasonable and religious, and according to the first institution, that bishops, in the greatest causes, and those which require a spiritual discerning, namely, in ordaining, suspending, or depriving ministers, in excommunication, being restored to the true and proper use, as shall be afterwards touched, in sentencing the validity of marriages and legitimations, in judging causes criminous, as simony, incest, blasphemy, and the like, should not proceed sole and unassisted: which point, as I understand it, is a reformation that may be planted 'sine strepitu,' without any perturbation at all: and is a matter which will give strength to the bishops, countenance to the inferior degrees of prelates or ministers, and the better issue or proceeding to those causes that shall pass."

NOTE EEE.

Mar. 3, 1617. Rex invisit Cancellarium languentem, et ex invalidâ senectâ officio cedere volentem; sigillumque in manus Regis lachrymantis tradidit.—Annalium Apparatus, Camdeni Epistolæ, page 24, pub. 1691.

Mar. 7, 1617. Sigillum magnum traditur Francisco Bacono Attornato Regio; anno ætatis 54 quem Rex admonuit, ut nihil nisi deliberate sigillet, ex equo et bono judicet, nec prærogativam Regiam nimio plus extendat.—Annalium Apparatus, Camdeni Epistolæ, page 24, pub. 1691. But see his speech upon taking his seat in Chancery, in which he states that there were *four* admonitions, which he explains as stated in the text.

In his address to the bar, upon taking his seat in Chancery, he said, "The king's charge, which is my lanthorn, rested upon four heads.

"The first was that I should contain the jurisdiction of the court within its true and due limits, without swelling or excess.

"The second, that I should think the putting of the great seal to letters patents was not a matter of course after precedent warrants, but that I should take it to be the maturity and fulness of the king's intentions; and therefore that it was one of the greatest parts of my trust, if I saw any scruple or cause of stay, that I should acquaint him concluding with a *quod dubites ne feceris.*

"The third was that I should retrench all unnecessary delays, that the subject might find that he did enjoy the same remedy against the fainting of the seal, and against the consumption of the means and estate, which was speedy justice, *bis dat, qui cito dat.*

"The fourth was that justice might pass with as easy charge as might be, and that those same brambles that grow about justice of needless charge and expense, and all manner of exactions might be rooted out so far as might be.

"These commandments, my lords, are righteous, and (as I may term them) sacred; and therefore, to use a sacred form, I pray God bless the king for his great care over the justice of the land; and give me his poor servant grace and power to observe his precepts."

The Lord Chancellor Ellesmere about this time, weary of his public employment, and weakened with age, desired the king's leave to retire, that he might

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make use of the short time left him to cast up his accounts for another world. The king gave the seal, and the place of Lord Chancellor, to Sir Francis Bacon, his attorney general; and the old Lord Ellesmere wore out the remnant of his life in quiet, dying in a good old age, and full of virtuous fame, leaving a noble posterity, who enjoy a great estate, with the title of Earl of Bridgwater.—Wilson's History of Great Britain, page 97, pub. 1616.

Upon the 21st of July, 1 Jac. Sir Thomas Egerton was raised to the degree of a baron of this realm, by the title of Lord Ellesmere; also, upon the 24th of the same month made Lord Chancellor of England; and lastly, viz. 7 Nov. 14 Jac. advanced to the dignity of Viscount Brackley.—Dugdale's Baronage of England, vol. ii, page 414, pub. 1675.

The following is a copy of the patent:

Pro Francisco Bacon, milite, domino custode magni sigilli Angliæ.

James, by the grace of God, &c.—To the Treasurer and Barons of our Exchequer, and to the auditor or auditors of the accompt of the clerk or keeper of our Hanaper in our Chancery, and of our chief butler of England, and of our keeper of our great garderobe, and to the clerk or keeper of our said Hanaper, to our said chief butler of England, and to the keeper and clerk of our said garderobe, and to every of them that now be, and for the time hereafter shall be, greeting.

Whereas we, of our grace especial, certain knowledge and mere motion, for the great trust and confidence that we have in the wisdom and dexterity of our right trusty and well beloved counseller Sir Francis Bacon, knight, lord keeper of our great seal of England, and for certain other special causes us moving, have given and granted unto the said Sir Francis Bacon, knight, the office of lord keeper of the great seal of England, and given authority to the said lord keeper to hear, examine, and determine causes, matters, and suits as shall happen to be, as well in our Chancery as in our Star Chamber, like as the chancellor of England, or keeper of the great seal of England of us, or our progenitors, for the time being, heretofore hath used, done, and practised, with all and singular manner of fees and commodities to or with the same room or office of chancellor or keeper of the great seal of England, in any wise, or by any manner of mean, due, appertaining, used or belonging in like, and in as ample manner and form as any lord chancellor of England or lord keeper of the great seal of England either in the time of King Henry the Eighth or King Edward the Sixth, or in the times of Queen Mary or Queen Elizabeth, or in our time hath had, enjoyed, perceived, and received for and in the same. And therefore we will, charge and command, not only the clerk or keeper of our Hanaper, in our said Chancery, for the time being, that ye, of such our money as is, or shall come to your hands of ours, or to our use, do content and pay, or cause to be contented and paid unto the said Sir Francis Bacon, knight, from time to time, for his wages, diets, robes, and liveries of himself and the masters of our Chancery like fees and rewards, and in as large manner, and as large sum and sums of money, as any of the said lord chancellors, or lord keepers of the great seal had and perceived for the same room or office of lord chancellor or lord keeper of the great seal; that is to say, five hundred forty-two pounds and fifteen shillings sterling by the year, for and from the seventh day of this instant month of March hitherto, and from henceforth as long as the said Sir Francis Bacon shall exercise the said room or office of lord keeper of our great seal of England; and also for his attendance in our said Star Chamber, after the rate of fifty pounds sterling every term, and after the rate of three hundred pounds by the year from the said seventh day of this instant month of March hitherto, and from henceforth, as long as the said Sir Francis Bacon shall execute the same room or office of our lord keeper of our great seal, over and above the said allowance, in like manner as the aforesaid lord chancellors or lord keepers of the great seal before this time at any time had and perceived. And also that ye, our chief butler of England for the time being, content and pay, or cause to be contented and paid to the said Sir Francis Bacon, after the rate of threescore pounds for twelve tons of wine by the year, and so after the same

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rate for and from the aforesaid seventh day of this instant month of March hitherto, and so from henceforth, during the time that he shall occupy and exercise the said room or office of lord keeper of our great seal. And also that ye, the keeper of our great garderobe for and from the same time hitherto, and from henceforth, of such our money or revenue as is or shall be coming to your hands, do content and pay or cause to be contented and paid to the said Sir Francis Bacon, for his wax due to him by reason of his said office of lord keeper of our great seal, after the rate of sixteen pounds by the year, for and from the same time hitherto, and so forth, in like manner and form as the foresaid lord chancellors or lord keepers of the great seal at any time had or received for the same in the said office or room of lord chancellor or lord keeper of the great seal. And further, we will and grant that ye, our said treasurers and barons of our said Exchequer, and the auditors, and all other our officers and ministers for the time being, or that hereafter shall be, and every of you, to whom in this cause it shall appertain, from time to time do make or cause to be made to the said clerk or keeper of our Hanaper, of our said Chancery, and to the said chief butler of England, and also to the said keeper of our great garderobe, for the time being, and to every of them in their several accompt or accompts, of which they or any of them be in yielding, or shall yield before you or any of you, at or for any time or times, due allowance, plain deduction, and discharge of all and several the aforesaid sums of money, as they or any of them shall content and pay for the wages, fees, rewards, robes and wine, as before particularly expressed, by us granted as aforesaid for and from the said seventh day of this instant month of March hitherto, and from henceforth, during the time that the said Sir Francis Bacon shall exercise the said office of lord keeper of our great seal of England.

Any matter, law, course, or cause you or any of you, moving to the contrary in any wise notwithstanding; and these our letters, under our great seal, shall be unto you and every of you sufficient warrant and discharge in this behalf. In witness whereof, &c. Witness ourself at Westminster, the thirtieth day of March.—Per breve de privato-sigillo.

See Rymer, vol. xviii. p. 1, 1617. Blackburn, vol. i. 97.

Falsehoods in circulation.

As a specimen of the falseboods in circulation in these times, the following extract from Weldon is inserted: "Next, Egerton had displeased him by not giving way to his exorbitant desires. He must out, and would not let him seale up his dying eyes with the seals which he had so long carryed, and so well discharged; and to despight him the more, and to vex his very soul in the last agony, he sent Bacon (one he hated yet to be his successor) for the seals, which the old man's spirit could not brook, but sent them by his own servant to the king, and shortly after yielded his soul to his Maker.

"And to the end you may know what men were made choyce of to serve turns, I shall set you down a true story. This great favorite sent a noble gentleman, and of much worth, to Bacon with this message; that he knew him to be a man of excellent parts, and as the times were, fit to serve his master in the keeper's place; but he also knew him of a base and ingrateful disposition, and an arrant knave, apt in his prosperity to ruine any that had raised him from adversity; yet for all this, he did so much study his master's service, (knowing how fit an instrument he might be for him) that he had obtained the seals for him; but with this assurance, should he ever requite him, as he had done some others, to whom he had been more bound, he would cast him down as much below scorn, as he had now raised him high above any honor he could ever have expected.

"Bacon was at that time attorney general, who patiently hearing this message, replyed, 'I am glad my noble lord deals so friendly and freely with me, and hath made that choyce of so discreet and noble a friend, that hath delivered his message in so plain language.' 'But,' saith he, 'can my lord know these abilities in me, and can he think when I have attained the highest preferment my profession is capable of, I shall so much faile in my judgment and under-

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standing, as to lose those abilities, and by my miscarriage to so noble a patron, cast myself headlong from the top of that honor to the very bottome of contempt and scorn? Surely my lord cannot think so meanly of me.' The gentleman replied, 'I deliver you nothing from myself, but the words are put into my mouth by his lordship, to which I neither add nor diminish; for had it been left to my discretion, surely, though I might have given you the substance, yet should I have apparelled it in a more modest attire; but as I have faithfully delivered my lord's to you, so will I as faithfully return yours to his lordship.'

"You must understand the reason of this message was his ungratefulness to Essex, which every one could remember; for the earle saved him from starving, and he requited him so as his apology must witness; were there not a great fault there needed no apology: nor could any age, but a worthless and corrupt, in men and manners, have thought him worthy such a place of honor."

Such is a specimen of falsehoods at that time in circulation. It is thus noticed in the Life of Lord Bacon in the Biographia Britannica.

"There is perhaps no country in the world in which exalted fortune does not beget envy, but at the same time, I believe, it may be truly said that kind of envy rises no where higher, or manifests itself with more violence and bitterness than with us in England. The Lord Keeper Bacon felt this very severely, for no sooner was he advanced to this high point of preferment in his profession, than all tongues were opened against him, that either from interest or inclination, wished to have seen some other person seated in that high post. However, very little evil was publicly divulged of him during his lifetime, when it might have afforded room for apology or defence, but has discovered itself in libels, penned indeed by such as lived in his days, but not such as were most likely to be well acquainted with him, or the points of which they so confidently wrote. Sir Anthony Weldon, in his Court and Character of King James, asserts," &c. as stated supra. The biographer in the Biographia Britannica adds, "But this account contains two egregious falsities: for, in the first place, though, as we have seen in the text, Camden says, the Chancellor resigned to the King himself; other authors agree that it was the King sent for the seals, and not the Duke of Buckingham; and he sent for them, not by Sir Francis Bacon, but by Secretary Winwood, with this message, that himself would be his under-keeper, and not dispose of them while he lived to bear the name of Chancellor; nor did any person remove the seal out of the King's sight till the Lord Egerton died, which happened soon after. In the next place, the Lord Chancellor Egerton, as Dr. Tennison observes, was willing that the Attorney General, Bacon, should be his successor, and ready to promote it: so far was he from conceiving any hatred against him either upon that or any other account. In the same volume we have likewise his speech at the taking his place in Chancery, in performance of the charge his majesty had given him, when he received the seals in 1617. Sir Anthony Weldon has upon this occasion introduced another scandalous story with regard to Sir Francis Bacon, and tells us that this great favourite (Buckingham) sent a noble gentleman and of much worth to him with this message, That he knew him," &c. ut supra. He then adds, "Very hard language this of a man so eminent and well known, and this from a person of no character at all, or, which is worse, of a very bad one. At present it shall suffice that we observe there is not the least degree of probability in the story which he relates, at the same time that he pretends not to the least shadow of evidence; so that we are to take a fact, which would scarcely deserve credit, though supported by ever so good witnesses, without any witness at all, and this against the light of one's own reason, and of a multitude of facts which may be alleged to discredit it; for whereas this is made to have been a sudden promotion, in consequence of a bargain with Buckingham, we have seen that it was so far from being such a promotion, that it was long before in agitation with the King himself, upon whom it is evident enough Sir Francis Bacon chiefly depended. This story makes Buckingham, even before he had acquired that title, an insolent and overbearing favourite, which is directly contrary to what all the historians

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of those times say, who commend him for his affability and generosity at the beginning, by which, as he rose in the King's favour, he grew likewise in esteem with his subjects, pursuing therein a conduct very different from that of his predecessor, Somerset, who really raised and disgraced, brought into credit or drove out of the court, without the least regard to decency, men of great merit or men of none, just as his interest required or his fancy dictated. It is not therefore at all probable, that the new favourite, who so well knew by what steps the old one became so very odious, should immediately pursue his path; more especially when he could not but very well know, that he was far enough from being absolutely master of the King's good graces, out of which he had very nearly thrown himself a very little after this, by most imprudently discovering his aversion to the King's intended journey into Scotland."

Saunderson says, speaking of Lord Ellesmere, "This aged statesman leaves the seat of deciding, and sits down himself to his devotions, leaving the seal to be born by Bacon. But the manner of the dispose is mis-told by the pamphlet (who makes it the Chancellor's heart-break to be rid of the charge), when in truth the term come, and Ellesmere sick, the King sent for the seal, by Secretary Winwood, with a gracious message; that himself would be his deputy, and not dispose it whilst Ellesmere lived to bear the title of Chancellor, nor did any one receive it out of the King's sight till he was dead, nor long after." 1616.

NOTE FFF.

His works abound with proofs of this. In a letter to Lord Burleigh in the year 1592, he says, "My health, I thank God, I find confirmed; and I do not fear that action shall impair it: because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bear a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol, that loveth honour; nor under Jupiter, that loveth business, for the contemplative planet carrieth me away wholly. The meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends: for I have taken all knowledge to be my province. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty; but this I will do: I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy and so give over all care of service, and become some sorry book-maker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining nothing from you."

In a letter to the Lord Treasurer of 21st March, 1594, he says, "To speak plainly, though perhaps, vainly, I do not think that the ordinary practice of the law, not serving the Queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning I shall reap no great benefit to myself in that course."

In a letter to Essex, March 30, 1594, he says, "I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself, with a couple of mea, to Cambridge, and there spend my life in my studies and contemplations without looking back."

In a letter to the Earl of Northumberland, a few days before Queen Elizabeth's death, he says, "And to be plain with your lordship, it is very true, and no winds or noises of civil matters can blow this out of my head or heart, that your great capacity and love towards studies and contemplations, of a higher and worthier nature than popular, a nature rare in the world, and in a

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person of your lordship's quality almost singular, is to me a great and chief motive to draw my affection and admiration towards you: and therefore, good my lord, if I may be of any use to your lordship by my head, tongue, pen, means, or friends, I humbly pray you to hold me your own: and herewithal, not to do so much disadvantage to my good mind, nor partly to your own worth, as to conceive, that this commendation of my humble service produceth out of any straits of my occasions, but merely out of an election, and indeed the fulness of my heart. And so wishing your lordship all prosperity, I continue."

In a letter to the Lord Treasurer (1594) he says, "I am to give you humble thanks for your favourable opinion, which by Mr. Secretary's report I find you conceive of me for the obtaining of a good place, which some of my honourable friends have wished unto me 'nec opinanti.' I will use no reason to persuade your lordship's mediation but this, that your lordship and my other friends shall in this beg my life of the Queen; for I see well the bar will be my bier, as I must and will use it rather than my poor estate or reputation shall decay: but I stand indifferent whether God call me or her majesty."

The following is from the dedication to the first edition of his Essays to his brother, who was lame: "Dedicating them, such as they are, to our love, in the depth whereof (I assure you) I sometimes wish your infirmities translated upon myself, that her majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest; so commend I you to the preservation of the Divine Majesty. From my chamber at Gray's Inn, this 30th of January, 1597."

In a letter to Essex, 1594, he says:

To my Lord of Essex.

It may please your good Lordship,—I pray God her majesty's weighing be not like the weight of a balance; *gravia deorsum, levia sursum.* But I am as far from being altered in devotion towards her, as I am from distrust that she will be altered in opinion towards me, when she knoweth me better. For myself, I have lost some opinion, some time, and some means; this is my account: but then for opinion, it is a blast that goeth and cometh; for time, it is true, goeth and cometh not, but yet I have learned that it may be redeemed.

For means, I value that most; and the rather, because I am purposed not to follow the practice of the law, if her majesty command me in any particular, I shall be ready to do her willing service; and my reason is only because it drinketh too much time, which I have dedicated to better purposes. But even for that point of estate and means, I partly lean to Thales's opinion, That a philosopher may be rich if he will. Thus your lordship seeth how I comfort myself; to the increase whereof I would fain please myself to believe that to be true which my Lord Treasurer writeth; which is, that it is more than a philosopher can morally digest. But without any such high conceit, I esteem it like the pulling out of an aching tooth, which, I remember, when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholden to you than to any man: and I say, I reckon myself as a common, not popular, but common; and as much as is lawful to be inclosed of a common, so much your lordship shall be sure to have. Your Lordship's, to obey your honourable commands, more settled than ever.

In a letter to the King, dated April 1, 1616, he says, "Were your majesty mounted, and seated without difficulties and distaste in your business, as I desire and hope to see you, I should 'ex animo' desire to spend the decline of my years in my studies."

In a letter to the Earl of Salisbury respecting the solicitor's place, written about the year 1607, he says, "It is thought Mr. Attorney shall be chief justice of the Common-place; in case Mr. Solicitor rise, I would be glad now at last to be solicitor: chiefly because I think it will increase my practice, wherein God blessing me a few years, I may mend my state, and so after fall to my studies and ease; whereof one is requisite for my body, and the other serveth for my mind."

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Upon taking his seat in Chancery, having explained his intention as to his mode of discharging his judicial duties, he says, "The depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts, and sciences, to which in my own nature I am most inclined."

NOTE HHH.

Towards his rising years, not before, he entered into a married estate, and took to wife, Alice, one of the daughters and co-heirs of Benedict Barnham, Esq. and alderman of London, with whom he received a sufficiently ample and liberal portion in marriage. Children he had none: which, though they be the means to perpetuate our names after our deaths; yet he had other issues to perpetuate his name: the issues of his brain; in which he was ever happy and admired; as Jupiter was in the production of Pallas. Neither did the want of children detrast from his good usage of his consort, during the intermarriage; whom he prosecuted with much conjugal love and respect, with many rich gifts and endowments, besides a robe of honour which he invested her withal, which she wore until her dying day, being twenty years and more after his death. Rawley.

Mallet's life, page xlix. He continued single till after forty, and then took to wife a daughter of Alderman Barnham of London, with whom he received a plentiful fortune, but had by her no children; and she outlived him upwards of twenty years.

The following is from Lord Bacon's will: Devises and legacies to my wife, I give grant and confirm to my loving wife by this my last will, whatsoever hath been assured to her, or mentioned or intended to be assured to her by any former deed, be it either my lands in Hertfordshire, or the farm of the seal, or the gift of goods in accomplishment of my covenants of marriage; and I give her also the ordinary stuff at Gorhambury, as wainscot tables stools, bedding, and the like; always reserving and excepting the rich hangings with their covers, the table carpets, and the long cushions, and all other stuff which was or is used in the long gallery; and also a rich chair which was my neice Cæsar's gift, and also the armour, and also all tables of marble and towch: I give also to my wife my four coach geldings and my best caroache, and her own coach mares and caroache: I give also and grant to my wife the one half of the rent which was reserved upon Reades lease for her life; which rent although I intended to her merely for her better maintenance while she lived at her own charge, and not to continue after my death, yet because she has begun to receive it, I am content to continue it to her; and I conceive by this advancement, which first and last, I have left her, besides her own inheritance, I have made her of competent abilities to maintain the estate of a viscountess, and given sufficient tokens of my love and liberality towards her; for I do reckon (and that with the least) that Gorhambury and my lands in Hertfordshire, will be worth unto her seven hundred pounds per annum besides Woodfells and the leases of the houses, whereof five hundred pounds per annum only I was tied unto my covenants upon marriage; so as the two hundred pounds and better was mere benevolence; the six hundred pounds per annum upon the farm of the writs was likewise mere benevolence; her own inheritance also, with that she purchased with part of her portion, is two hundred pounds per annum and better, besides the wealth she has in jewels, plate or otherwise, wherein I was never straight handed. All which I here set down, not because I think it too much, but because others may not think it less than it is.

What was Bacon's motive for this bequest it seems difficult to discover, for in the very same will there is the following clause: "Whatsoever I have given, granted, confirmed, or appointed to my wife, in the former part of this my will, I do now for just and great causes utterly revoke and make void, and leave her to her right only."

It was not, without some difficulty, that I discovered the place where Lady Verulam is buried.

Newcomb in his history of St. Albans, page 503, says, "He married Alice, a daughter of Benedict Barnham, alderman of London, who is interred (as a

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marble tablet shews) in the cathedral of Chichester; and whose other daughter was the unfortunate wife of the Lord Castlehaven; who for his ill-treatment of her was with his accomplice hanged."

In consequence of this statement, I applied to a friend at Chichester. The following is the answer: "Our cathedral contains the ashes not of Lady Bacon, but of her grandmother, who, as well as her daughter and Lady Bacon bore the name of Alice, and hence I suppose whoever furnished 'the paper' referred to, was led into a very natural mistake. There is in the south aisle of the cathedral a mural tablet of brass, hideous enough and coarsely engraved. It represents two figures kneeling. The man in the robes of an alderman with six sons also kneeling behind him, the woman in the dress of the times with her eight daughters ranged behind her, perhaps this goodly patriarchal train moved the sympathy of Cromwell's soldiers, who laid violent hands on monuments of this description, but to keep to the point, these figures as the inscription testifies, are those of William Bradbridge, thrice mayor of this city, and Alice his wife attended by their whole family. One of the eight daughters named Alice, married Francis Barnham, alderman and sheriff of London. She became a widow, and erected this monument which was finished in July 1592. In December 1598, Alice Barnham bequeathed 120*l.* to be freely lent to young tradesmen of this city. In this bequest she is mentioned as the mother of Stephen Barnham, then representative for Chichester. It appears to me, that the Alice who married Lord Bacon, must have been the sister of Stephen Barnham, and that the idea of interment here may have arisen from the name of their mother Alice Barnham, the erectress of the tablet being inscribed on it. If this be correct would not the Bradbridge arms be quartered with those of Bacon? Dallaway gives them thus: 'Arms, sable, a pheon argent, Bradbridge.' In Dallaway's Western Sussex, page 138, of the History and Antiquities of Chichester, may be found the inscription verbatim, of which I have given the substance. I shewed your letter to one of our clergyman, Holland, the brother-in-law of Murray the bookseller, the cathedral is his 'Great Diana,' and I thought he would know as much about it as any one, also to others, they all agree with me in thinking the case to be probably as above supposed."

Lysons Magna Brittannia, Bedfordshire, page 83. Eyworth, on the borders of Cambridgeshire, about three miles from Potton, and five from Biggleswade.

In the reign of Elizabeth, Eyworth was the property and seat of Sir Edmund Anderson, Lord Chief Justice of the Common Pleas; a man of considerable eminence in his profession, and one of the judges who sat at the trial of Mary Queen of Scots. In the church are sereral monuments of the Andersons. On the floor of the chancel is the tomb of Alice, Viscountess Verulam, and Baroness St. Alban's, widow of the great Lord Chancellor Bacon, who died in 1656, probably at the house of Mr. Anderson, to whom she was related.

My Dear Sir,—Probably the annexed may be new to you, and if so, cannot fail of being interesting as connected with an object dear to your feelings,

Yours very truly, J. BRITTON.

To Basil Montagu, Esq.

Close to the church at Eyworth was an ancient mansion, belonging to Sir Edmund Anderson, Lord Chief Justice of the Common Pleas, one of the Judges who sat on the trial of Mary Queen of Scots. The title became extinct in 1773. Was Lady Bacon related to the Andersons? the house is levelled to the ground, but several terraces, moats, and garden walls, are evidences of its former consequence.

Lady Bacon.

In the chancel of Eyworth Church, Bedfordshire, is a slab of grey marble on the floor, much injured, liable to speedy destruction, thus inscribed:

> Here lieth interred the body of Dame Alice, Baroness Verulam, Viscountess St. Albans, one of the daughters of Benedict Barnham, alderman of London. She departed this life the 29th day of June, A. D. 1650.

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NOTE TTT.

Pro eodem Francisco Bacon Milite. Rex omnibus ad quos, &c. Salutem. Rymer, Tom. xvi. page 596.

Sciatis quòd nos, tàm in consideratione boni fidelis et acceptabilis servitii, per nuper dilectum nostrum Antonium Bacon Armigerum defunctum, fratrem germanum Francisci Bacon militis servientis nostri, ac etiam per dilectum serviensem nostrum prædictum Franciscum Bacon militem præstiti et impensi, quàm pro deversis aliis causis et considerationibus ad noc nos specialiter moventibus.

De gratia nostra speciali, ac ex certa scientia et mero motu nostris, dedimus et concessimus, ac per præsentes, pro nobis hæredibus et successoribus nostris, damus et concedimus præfato Francisco Bacon quandam annualem pensionem sexaginta librarum bonæ et legalis monetæ angliæ per annum, solvendam annuatim eidem Francisco Bacon ad festa sancti Michaelis Archangeli et paschæ per æquales portiones, de thesauro nostro hæredum et successorum nostrorum, per manus thesaurarii et camerarionum ibidem pro tempore existentium, primâ solutione inde incipiendà ad testum testorum prædictorum proximum post datam præsentium.

Habendam et tenendam gaudendam et percipiendam annualem pensionem prædictam, duranti vitâ naturali prædicti Francisci Bacon.

In cujus rei, &c. Teste Rege apud Harfeild vicesimo quinto die Augusti.—Per breve de privato sigillo.

NOTE JJJ.

The following are passages from the king's speech.

As to the union.

Hath not God first united these two kingdoms, both in language and religion, and similitude of manners? yea, hath he not made us all in one island, compassed with one sea, and of itself by nature so indivisible, as almost those that were borderers themselves on the late borders, cannot distinguish, nor know, or discern their own limits? these two countries being separated neither by sea, nor great river, mountain, nor other strength of nature, but only by little small brooks, or demolished little walls, so as rather they were divided in apprehension, than in effect; and now in the end and fulness of time united, the right and title of both in my person, alike lineally descended of both the crowns, whereby it is now become a little world within itself.

As to Religion.

Nay, my mind was ever so free from persecution, or inthralling of my subjects in matters of conscience, as I hope those of that profession within this kingdom have a proof since my coming, that I was so far from increasing their burthens with Rehoboam, as I have so much as either time, occasion, or law could permit, lightened them. And even now at this time, have I been careful to revise and consider deeply upon the laws made against them, that some overture might be made to the present parliament for clearing these laws by reason (which is the soul of the law) in case they have been in times past, further, or more rigorously extended by judges, than the meaning of the law was, or might. And this sort of people, I would be sorry to punish their bodies for the error of their minds, the reformation whereof must only come of God and the true spirit. And here I have occasion to speak to you, my lords the bishops; for as you my lord of Durham, said very learnedly to day in your sermon, correction without instruction is but tyranny: so ought you, and all the clergy under you, to be more careful, vigilant and careful than you have been, to win souls to God, as well by your exemplary life, as doctrine. And since you see how careful they are, sparing neither labour, pains, nor extreme peril of their persons, to pervert (the devil is so

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busy a bishop;) (*a*) ye should be the more careful, and wakeful in your charges. Follow the rule prescribed to you by St. Paul, be careful to exalt and instruct, in season, and out of season: and where you have been any way sluggish before, now waken yourselves up again with a new diligence, remitting the success to God, who calling them either at the second, third, tenth, or twelfth hour, as they are alike welcome to him, so shall they be to me his lieutenant here.

NOTE QQQ.

Plutarch in his Morals, says, "You have naturally a philosophical genius, and are troubled to see a philosopher have no kindness for the study of medicine. You are uneasy that he should think it concerns him more to study geometry, logic, and music, than to be desirous to understand whether the fabrick of his body as well as his houses be well or ill designed. Now among all the liberal arts, medicine does not only contain so neat and large a field of pleasure as to give place to none, but plentifully pays the charges of those who delight in the study of her with health and safety: so that it ought not to be called the transgression of the bounds of a philosopher to dispute about those things which relate to health."

The following extract is from Dr. Garnet's Lectures.

"Physiological ignorance is, undoubtedly, the most abundant source of our sufferings; every person accustomed to the sick must have heard them deplore their ignorance of the necessary consequences of those practices, by which their health has been destroyed: and when men shall be deeply convinced, that the eternal laws of nature have connected pain and decrepitude with one mode of life, and health and vigour with another, they will avoid the former and adhere to the latter. It is strange, however, to observe that the generality of mankind do not seem to bestow a single thought on the preservation of their health, till it is too late to reap any benefit from their conviction.—If knowledge of this kind were generally diffused, people would cease to imagine that the human constitution was so badly contrived, that a state of general health could be overset by every trifle; for instance, by a little cold; or that the recovery of it lay concealed in a few drops, or a pill. Did they better understand the nature of chronic diseases, and the causes which produce them, they could not be so unreasonable as to think, that they might live as they chose with impunity; or did they know any thing of medicine, they would soon be convinced, that though fits of pain have been relieved, and sickness cured, for a time, the re-establishment of health depends on very different powers and principles."

Sir William Temple, in his Essay upon the Cure of the Gout by Moxa, says, "Within these fifteen years past, I have known a great fleet disabled for two months, and thereby lose great occasions, by an indisposition of the admiral, while he was neither well enough to exercise, nor ill enough to leave the command. I have known two towns of the greatest consequence, lost contrary to all forms, by the governors falling ill in the time of the sieges.

"I have observed the fate of Campania determine contrary to all appearances, by the caution and conduct of a general, which were atttributed by those that knew him, to his age and infirmities, rather than his own true qualities, acknowledged otherwise to have been as great as most men of the age. I have seen the counsels of a noble country grow bold or timorous, according to the fits of his good or ill health that managed them, and the pulse of the government beat high or low with that of the governor. And this unequal conduct makes way for great accidents in the world: nay, I have often reflected upon the counsels and fortunes of the greatest monarchies rising and decaying sensibly with the ages and healths of the princes and chief officers that governed them. And I remember one great minister that confessed to me, when he fell into one of his usual fits of the gout, he was no longer able to bend his mind or thoughts to any public business, nor give audiences beyond two or three of his own domestics, though

(*a*) See a sermon of Latimer's.

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it were to save a kingdom; and that this proceeded not from any violence of pain, but from a general languishing and faintness of spirits, which made him in those fits think nothing worth the trouble of one careful or solicitous thought. For the approaches or lurkings of the gout, the spleen, or the scurvy, nay, the very fumes of indigestion, may indispose men to thought and to care, as well as diseases of danger and pain.

"Thus accidents of health grow to be accidents of state, and public constitutions come to depend in a great measure, upon those of particular men; which makes it perhaps seem necessary in the choice of persons for great employments (at least such as require constant application and pains) to consider their bodies as well as their minds, and ages and health as well as their abilities."

Whether information upon Latin and Greek or upon the art of preserving health, will, at some future time, be ascertained, with great respect for a knowledge of languages, I should prefer to all these attainments, a knowledge of the mode of preserving health. The air we breathe; the food we take; our exercise and rest; our sleep.

Each of these subjects is of great importance, and so wholly neglected in our education, that the very name of them is changed, and they are termed by medical men "non-naturals."

As the word *nervous*, which used to express strength, has now changed its meaning, and is used as an expression of aspen-leaf debility, or as the yew tree, planted in churchyards, as a symbol of perpetual life, is called by us in return, "the melancholy yew."

NOTE R R R.

All his juvenile tracts are without imagery, and so are his Novum Organum, and tract upon universal justice. That imagery followed in the train of his reason, and was used chiefly if not solely to illustrate his reasoning, see his explanation of mistaking the motive for acquiring knowledge. See vol. ii. p. 51.

Arrangement.—In the Advancement of Learning, distinguished as it is for its symmetry, in explaining the causes of the evil of method, he says, "for as young men, when they knit and shape perfectly, do seldom grow to a further stature, so knowledge, whilst it is dispersed into aphorisms and observations, may grow and shoot up: but once entered and comprehended in methods, it may, perchance, be farther polished and fashioned and accommodated for use and practice, but increaseth no more in bulk and substance."

NOTE W W W.

Seneca says, "The grammarian's business lies in a syntax of speech; or, if he proceed to history, or the measuring of a verse, he is at the end of his line; but what signifies a congruity of periods, the computing of syllables, or the modifying of numbers, to the taming of our passions, or the repressing of our lusts? The philosopher proves the body of the sun to be large, but for the true dimensions of it we must ask the mathematician; geometry and music, if they do not teach us to master our hopes and fears, all the rest is to little purpose. What does it concern us which was the elder of the two, Homer or Hesiod; or which was the taller, Helen or Hecuba? We take a great deal of pains to trace Ulysses in his wanderings; but were it not time as well spent to look to ourselves, that we may not wander at all. Are not we ourselves tossed with tempestuous passions; and both assaulted by terrible monsters on the one hand, and tempted by syrens on the other?"

"You," says Lord Shaftsbury, "who are skilled in other fabrics and compositions both of art and nature, have you considered of the fabric of the mind, the constitution of the soul, the connexion and frame of all its passions and affections, to know accordingly the order and symmetry of each part; and how it either improves or suffers; what its force is, when naturally preserved in its sound state, and what becomes of it when corrupted and abused? Till this (my friend) be well examined and understood, how shall we judge either of the force

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of virtue or power of vice, or in what manner either of these may work to our happiness or undoing? Here, therefore, is that inquiry we should first make. But who is there can afford to make it as he ought? If happily we are born of a good nature; if a liberal education has formed in us a generous temper and disposition, well regulated appetites and worthy inclinations, it is well for us; and so indeed we esteem it. But who is there endeavours to give these to himself, or to advance his portion of happiness in this kind? Who thinks of improving, or so much as of preserving his share, in a world where it must of necessity run so great a hazard, and where we know an honest nature is so easily corrupted? All other things relating to us are preserved with care, and have some art or economy belonging to them: this, which is nearest related to us, and on which our happiness depends, is alone committed to chance; and temper is the only thing ungoverned, whilst it governs all the rest.—Thus we inquire concerning what is good and suitable to our appetites, but what appetites are good and suitable to us, is no part of our examination. We inquire what is according to interest, policy, fashion, vogue; but it seems wholly strange and out of the way to inquire what is according to nature. The balance of Europe, of trade, of power, is strictly sought after; while few have heard of the balance of their passions, or ever thought of holding these scales even."

"We all meditate," says Bishop Hall, "one, how to do ill to others: another, how to do some earthly good to himself: another, to hurt himself under a colour of good. Or perhaps, some better minds bend their thoughts upon the search of natural things; the motions of every heaven, and of every star: the reason and course of the ebbing and flowing of the sea: the manifold kinds of simples that grow out of the earth and creatures that creep upon it, with all their strange qualities and operations: or, perhaps, the several forms of government and rules of state take up their busy heads: so that, while they would be acquainted with the whole world, they are strangers at home; and while they seek to know all other things, they remain unknown to themselves."

Burton says, "We spend our days in unprofitable questions and disputations, intricate subtleties, about moonshine in the water, leaving in the mean time those chiefest treasures of nature untouched, wherein the best medicines for all manner of diseases are to be found; and do not only neglect them ourselves, but hinder, condemn, forbid, and scoff at others that are willing to inquire after them."

"But whether thus these things, or whether not:
Whether the sun, predominant in heaven,
Rise on the earth, or earth rise on the sun:
He from the east his flaming road begin,
Or she from west her silent course advance
With inoffensive pace, that spinning sleeps
On her soft axle, while she paces even,
And bears thee soft with the smooth air along,
Solicit not thy thoughts with matters hid:
Leave them to God above, him serve and fear:
Of other creatures, as him pleases best,
Wherever placed, let him dispose: joy then
In what he gives to thee, this Paradise
And thy fair Eve:—Heaven is for thee too high
To know what passes there: be lowly wise:
Think only what concerns thee and thy being."

Paradise Lost, b. viii.

Teach me my duty to my country, to my father, to my wife, to mankind. What is it to me, whether Penelope was honest or no? Teach me to know how to be so myself, and to live according to that knowledge. What am I the better for putting so many parts together in music, and raising an harmony out of so many different tones. Teach me to tune my affections, and to hold constant to myself. Geometry teaches me the art of measuring acres; teach me to measure my appetites, and to know when I have enough: teach me to divide

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with my brother, and to rejoice in the prosperity of my neighbour. You teach me how I may hold my own, and keep my estate; but I would rather learn how I may lose it all, and yet be contented. It is hard, you will say, for a man to be forced from the fortune of his family. This estate, it is true, was my father's; but whose was it in the time of my great-grandfather? I do not only say, What man's was it? but, what nation's? The astrologer tells me of Saturn and Mars in opposition; but I say, let them be as they will, their courses and their positions are ordered them by an unchangeable decree of fate. Either they produce, and point out the effects of all things, or else they signify them: if the former, what are we the better for the knowledge of that which must of necessity come to pass? If the latter, what does it avail us to foresee what we cannot avoid? So that, whether we know or not know, the event will still be the same.—Seneca.

NOTE YYY.

"Men carry their minds as they carry their watches, content to be ignorant of the mechanism of their movements, and satisfied with attending to the little exterior circle of things, to which the passions, like indexes, are pointing. It is surprising to see how little self-knowledge a person not watchfully observant of himself may have gained in the whole course of an active, or even an inquisitive life. He may have lived almost an age, and traversed a continent, minutely examining its curiosities, and interpreting the half obliterated characters on its monuments, unconscious the while of a process operating on his own mind to impress or to erase characteristics of much more importance to him than all the figured brass or marble that Europe contains. After having explored many a cavern or dark ruinous avenue, he may have left undetected a darker recess in his character. He may have conversed with many people in different languages, on numberless subjects; but having neglected those conversations with himself by which his whole moral being should have been kept continually disclosed to his view, he is better qualified perhaps to describe the intrigues of a foreign court, or the progress of a foreign trade; to represent the manners of the Italians or the Turks; to narrate the proceedings of the Jesuits, or the adventures of the gypsies, than to write the history of his own mind."

Foster's Essays, p. 6, 4th ed.

NOTE ZZZ.

Foster says, "And perhaps still less regard will be paid to it, if it be considered that the King, who appeareth to have had the success of the prosecution much at heart, and took a part in it unbecoming the majesty of the crown, condescended to instruct his attorney general with regard to the proper measures to be taken in the examination of the defendant; that the attorney at his majesty's command submitted to the drudgery of sounding the opinions of the judges upon the point of law, before it was thought advisable to risk it at an open trial; that the judges were to be sifted separately and soon, before they could have an opportunity of conferring together; and that for this purpose four gentlemen of the profession in the service of the crown were immediately dispatched, one to each of the judges; Mr. Attorney himself undertaking to practice upon the Chief Justice, of whom some doubt was then entertained. Is it possible that a gentleman of Bacon's great talents could submit to a service so much below his rank and character! But he did submit to it, and acquitted himself notably in it.

"Avarice, I think, was not his ruling passion. But whenever a false ambition, ever restless and craving, overheated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who die under its dominion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man,

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both contract his views into the little point of self-interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour.

" Bacon, having undertaken the service, informeth his majesty in a letter addressed to him, that with regard to three of the judges whom he nameth, he had small doubt of their concurrence. ' Neither,' saith he, ' am I wholly out of hope, that my Lord Coke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.' These are plain naked facts, they need no comment. Every reader will make his own reflections upon them. I have but one to make in this place. This method of forestalling the judgment of a court in a case of blood then depending, at a time too when the judges were removeable at the pleasure of the crown, doth no honour to the persons concerned in a transaction so insidious and unconstitutional, and at the same time greatly weakeneth the authority of the judgment."

In a tract entitled An Enquiry into the conduct of a late Right Honourable Commoner, 4th edit. Lond. 1766, 8vo. p. 1, the same observation is thus repeated: " In the tide of almost every great man's life there is commonly one period, which is not only more remarkable than the rest, but conveys with it strong characteristic marks of the complexion of him to whom it belongs. Thus the great Bacon, when he saw the only road to preferment was through Buckingham, attached himself to that favourite, and undertook to second the views of the crown. We read of his excessive pliancy in transactions wholly below his rank and character; particularly several attempts to corrupt and bias the judges in causes which the King or his minister had much at heart. ' Avarice,' says Mr. Justice Foster (who in his discourse on high treason has recorded these instances of his baseness), ' I think, was not his ruling passion. But, whenever a false ambition, ever restless and craving, over-heated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who live and die under her dominion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man; both contract his views into the little point of self-interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour.' Whoever is at the pains of reading Bacon's life, will find that from the moment of his attaching himself to Villiers, Duke of Buckingham, his character takes a new turn. We see no more of the firm friend, nor honest man; both are sunk in the scandalous instrument of a favourite, without honour, and of a court without veracity; and Villiers and he were afterwards impeached by the Commons. The King indeed endeavoured to save Villiers; but Bacon was sacrificed. It is true he had been made a lord, but he was sequestered from parliament; and the pangs of his conscience were evidenced by every passage of his future life."

NOTE AAAA.

Biographia, p. 3853.—He lived in a private frugal manner, being resolved to dispose of his great estate in some important charity. But before he had fixed upon any particular plan for carrying that design into execution, he was greatly alarmed in the year 1608, with the news of a design to raise him to the peerage, in the view of laying him thereby under an obligation to make King Charles I. then Duke of York, his heir. Upon the first notice that came to his ears of this project, he immediately put a stop to it. (*a*)

(*a*) The project was laid before King James by Sir John Harrison, who had proposed it to Mr. Sutton; but as soon as he heard what was doing at court, he dispatched the following letter to the Lord Chancellor Ellesmere and the Lord Treasurer Salisbury, both feoffees for his intended hospital:

" May it please your Lordships,—I understand that his majesty is possessed

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NOTE BBBB.

Upon the first day of the term, when he was to take his place in court, he declined the attendance of his great friends, who offered, as the manner was, to bring him to his first settling with a pomp of an inauguration. But he set out early in the morning with the company of the judges and some few more, and passing through the cloisters into the Abbey, he carried them with him into the chapel of Henry the Seventh, where he prayed on his knees (silently, but very devoutly, as might be seen by his gesture) almost a quarter of an hour; then rising up cheerfully, he was conducted with no other train, to a mighty confluence that expected him in the hall, whom from the bench of the court of Chancery, he greeted with this speech.

"My Lords and Gentlemen all, I would to God my former course of life had so qualified me for this great place (wherein by the will of God and the special favour of the King I am for a time to bestow myself) that I might have fallen to my business without any farther preface or salutation, especially considering, that, as the orator observes, Id ipsum dicere nunquam sit non ineptum, nisi cusu est necessarium. This kind of orationing hath ever a tincture of levity, if it be not occasioned by some urgent necessity. For my own part, I am as far from affecting this speech, as I was from the ambition of this place; but having found by private experience that sudden and unexpected eruptions put all the world into a gaze and wonderment, I thought it most convenient to break the ice with this short deliberation, which I will limit to these two heads: my calling, and my carriage in this place of judicature.

"For my calling unto this office, it was (as most here present cannot but know) not the cause, but the effect of a resolution in the state, to change or reduce the governor of this court from a professor of our municipal laws to some one of the nobility, gentry, or clergy of this kingdom. Of such a conclusion of state (quæ aliquando incognita semper justa), as I dare not take upon me to discover the cause, so I hope I shall not endure the envy. Peradventure the managing of this court of equity doth Recipere magis et minus, and is as soon diverted with too much as too little law. Surely those worthy lords, which to their eternal fame, for the most part of an hundred years governed and honoured

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by Sir John Harrington, or by some other by his means, that I intend to make his highness's son, the Duke of York, my heir; whereupon, as it is reported, his highness proposeth to bestow the honour of a baron on me; whereof as I am most unworthy, so I vow to God and your lordships, I never harboured the least thought or proud desire of any such matter. My mind, in my younger times, hath been ever free from ambition; and now I am going to my grave, to gape for such a thing were mere dotage in me, so unworthy also, as I confess unto your lordships. That this knight hath been often tampering with me to that purpose, to entertain honour, and to make the noble duke my heir, is true; to whom I made that answer, as, had he either wit or honesty (with reverence to your lordships be it spoken), he never would have engaged himself in this business, so egregiously to delude his majesty, and wrong me. My humble suit unto your lordships is, that considering this occasion hath brought me into question, and in his hazard of his highness's displeasure, having never given Sir John Harrington, or any man living, either promise or semblance to do any such act, but upon his motions grew into utter dislike with him for such idle speeches, your lordships will vouchsafe me this favour, to inform his highness aright, how things have proceeded directly without my privity; and withal, that my trust is in his gracious disposition, not to conceit the worse of me for other men's follies; but that I may have free liberty with his princely leave, wherein I rest most assured, to dispose of my own, as other his majesty's loyal subjects. And so, most humbly recommending my duty and service to your lordships, for the increase of whose honours and happiness I shall ever pray, I rest,

"Your Lordship's poor beadsman, THOMAS SUTTON."

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this noble court; as they equalled many of their own profession in the knowledge of the laws, so did they excel the most of all other professions in learning, wisdom, gravity, and mature experience. In such a case, it were but poor philosophy to restrain those effects to the former, which were produced and brought forth by those latter endowments. Examine them all, and you shall find them in their several ages to have the commendation of the completest men, but not of the deepest lawyers. I except only that mirror of our age and glory of his profession, my reverenced master, who was as eminent in the universal, as any other one of them all in his choicest particular. Sparguntur in omnes, uno hoc mista fluunt, et quæ diversa beatos efficiunt, conjuncta tenet. Again, it may be, the continual practice of the strict law, without a special mixture of other knowledge, makes a man unapt and undisposed for a court of equity. Juris consultus ipse per se nihil nisi lugubrius quidam cantus et acutus, as M. Crassus was wont to define him. They are (and that cannot be otherwise) of the same profession with the rhetorics at Rome, as much used to defend the wrong, as to protect and maintain the most upright cause. And if any of them should prove corrupt, he carries about him, armatam nequitiam, that skill and cunning to palliate the same, that that mis-sentence, which pronounced by a plain and understanding man would appear most gross and palpable, by their colours, quotations, and wrenches of the law, would be made to pass for current and specious. Some will add hereunto the boldness and confidence, which their former clients will take upon them, when, as St. Austin speaks in another case, they find the man to be their judge, who was the other day their hired advocate. Marie that, deprædandi memoria, as St. Jerom calls it, that proneness to take money, as accustomed to fees, is but a base and scandalous aspersion, and as incident to the divine, if he want the fear of God, as to the common lawyer, or most sordid artizan. But that that former breeding and education in the strictness of law might (without good care and integrity) somewhat indispose a practiser thereof for the rule and government of a court of equity, I learned long ago from Plinius Secundus, a most excellent lawyer in his time, and a man of singular rank in the Roman estate; for in his second, third, and sixth epistles, making comparison between the scholastici, as he calls them, which were gentlemen of the better sort, bred up privately in feigned pleadings and schools of eloquence, for the qualifying of themselves for civil employments, and another sort of gentlemen, termed forenses, who were pleaders at the bar, and trained up in real causes: he makes the former more innocent and harmless a great deal than the latter, and yields hereof the principal reason, Nos enim, qui in foro verisque litibus terimur, multum matitiæ, quamvis nolimus, addiscimus. For we, saith he, that are bred in real quirks and personal contentions, cannot but reserve some fang thereof, whether we will or no. These reasons, though they please some men, yet, God be praised, if we do but right to this noble profession, there are in our commonwealth no way concluding or demonstrative; for I make no question, but there are many scores which profess our laws, who, beside their skill and practice in this kind, are so richly enabled in all moral and intellectual endowments, Ut omnia tanquam singula preficiant, that there is no court of equity in the world but might be most safely committed unto them. I leave, therefore, the reason of this alteration as a reason of state not to be fathomed by any reason of mine, and will say no more of my calling in the general.

"Now when I reflect upon myself in particular, Quis sum ego? aut quis filius Ishai? What am I, or what can there be in me in regard of knowledge, gravity, or experience, that should afford me the least qualification in the world for so weighty a place? Surely, if a sincere, upright, and well meaning heart doth not cover thousands of other imperfections, I am the unfittest man in the kingdom to supply the place. And therefore must say of my creation, as the poet said of the creation of the world, Materiam noti quærere, nulla fuit. Trouble not your heads to find out the cause, I confess there was none at all. It was, (without the least inclination or thought of mine own) the immediate work of God and my king. And their actions are no ordinary effects, but extraordinary miracles. What then? should I beyond the limits and duty of

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obedience despond, and refuse to make some few years trial in this place? Nor, Tuus, O Jacobe, quod optas explorare labor, mihi jussa capessere fas est. I will therefore conclude this point with the excuse of that poet, whom the Emperor Gratian would needs enforce to set out his poem, whether he would or no, Non habeo ingenium, Cæsar sed jussit habebo. Cur mue posse negem, posse quod ille putet. I am no way fit for this great place, but because God and the king will have it so, I will endeavour, as much as I can, to make myself fit, and put my whole confidence in his grace and mercy, Qui neminem dignum eligit, sed eligendo dignum facit, as St. Austin speaks. And so much of my calling, now I come unto my carriage in this place.

"It is an observation which fully makes, In causis direndis effugere solebat Antonius, ne succederet Crasso. Antonius was ever afraid to come after Crassus, a most eloquent and powerful orator. And the greatest discouragement I find in this place is, that I am to come after (after, indeed, nec passibus æquis) my two immediate predecessors, the one of them excellent in most things, the other in all things. But both of them so bred in this course of life, Ut illis plurimarum rerum agitatio frequens, nihil esse ignotum patiebatur: as Pliny speaks of the pleaders of his times. It were too much to expect at my hands, a man bred in other studies, that readiness, or quickness, or dispatch which was effected by them, Lords, both of them brought up in the King's courts, and not in the King's chapel. My comfort is this, that arriving here as a stranger, I may say as Archimedes did when he found those geometrical lines and angles drawn everywhere in the sands of Egypt, Video vestigia humana: I see in this court the footsteps of wise men, many excellent rules and orders for the managing the same, the which, though I might want learning and knowledge to invent, (if they were not thus offered to my hands) yet I hope I shall not want the honesty to act and put in execution, these rules I will precisely follow, without the least deflexion at all, until experience shall teach me better. Every thing by the course of nature hath a certain and regular motion. The air and fire still upward, the earth and water fall downward: The celestial bodies whirl about in one and the self same course and circularity, and so should every court of justice, otherwise it grows presently to be had in jealousy and suspicion. For as Vel. Paterculus observes very well, In iis homines extraordinaria reformidant, qui modum in voluntate habent. Men ever suspect the worst of those rules which vary, with the judge's will and pleasure. I will descend to some few particulars.

"First, I will never make any decree that shall cross the grounds of the common or statute laws; for I hold by my place the custody not of mine own, but of the King's conscience: and it were most absurd to let the King's conscience be at ennity and opposition with his laws and statutes. This court (as I conceive it) may be often occasioned to open and confirm, but never to thwart and oppose the grounds of the laws. I will therefore omit no pains of mine own, nor conference with the learned judges, to furnish myself with competency of knowledge, to keep my resolution in this point firm and inviolable. Secondly, I will never give a willing ear to any motion made at this bar, which shall not apparently tend to further and hasten the hearing of the cause. The very word motion, derived a movendo, to move, doth teach us that the hearing is, Finis, perfectio, &c. terminem ad quem, the end, perfection, and proper home, as it were, of the matter propounded. If a counsellor, therefore, will needs endeavour, as Velleius writes of the Gracchi, Optimo ingenio pessime uti, to make that bad use of a good wit, as to justle a cause out of the King's highway, which I hold in this court to be bill, answer, replication, rejoinder, examination and hearing, I will ever regard it as a wild-goose chase, and not a learned motion. The further a man runs out of his way, the further he is from home, the end of his journey, as Seneca speaks: so the more a man tattles besides these points, the further it is from the nature of a motion. Such a motion is a motion. Per Antiphrasin, ut mons a non movendo. It tends to nothing but certamen ingenii, a combat of wit, which is infinite and endless. For when it once comes to that pass, some will sooner a great deal lose the cause than the last word. Thirdly, I would have no man to conceive that I come to this place

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to overthrow without special motives the orders and decrees of my predecessors. I would be loth to succeed any man, as Metellus did, Caius verres, cujus omnia erant ejusmodi, ut totam verris Præturam retexere videretur; whose carriage, saith Tully, was a mere Penelope's web, and untwisting of all the acts of Verres's prætorship. Upon new matter, I cannot avoid the reviewing a cause, but I will ever expect the forbearing of persons, so as the ashes of the dead may be hereafter spared, and the dust of the living no further raked. Fourthly, I will be as cautious as I can in referring of causes, which I hold of the same nature as a by-way motion. For one reference that spurs on a cause there are ten that bridle it in, and hold it from hearing. This is that which Bias calls the backward forwarding of a cause; for as the historian speaks, Quod procedere non protest recedit. Fifthly, I profess beforehand, that this court shall be no sanctuary for undirect and desperate sureties. It is a ground of the common law, that a man shall make no advantage of his own follies and laches. When the money is to be borrowed, the surety is the first in the intention; and therefore, if it be not paid, let him a God's name be the first in execution. Lastly, I will follow the rules of this court in all circumstances, as near as I can, and considering that, as Pliny speaks, Stultissimum est ad imitandum, non optima quæq. proponere: It were a great folly to make choice of any other than the very best for imitation, I will propound my old master for my pattern and precedent in all things. Beseeching Almighty God so to direct me, that while I hold this place, I may follow him by a true and constant imitation. And if I prove unfit and unable for the same, that I may not play the mountebank so in this place, as to abuse the king and the state, but follow the same most worthy lord in his cheerful and voluntary resignation, Sic mihi contingat vivere, sicq. mori."

NOTE XXXX.

When Coke said, "I know with whom I *deal*," and "For we have to *deal* to-day with a man of wit," more was conveyed than meets our ears at present.

The monopoly of playing cards had been granted to Raleigh by Elizabeth; and the casual mention of this monopoly in the House of Commons had, two years before, stung Raleigh sensibly. It was with *him* therefore, who had owned the cards that the Attorney had now to *deal*.

Sir Simonds d'Ewes reports in his Journals, that on the 20th November, 1601, in a debate on a bill, "For the explanation of the common law in certain cases of Letters Patent," Dr. Bennet said, "He that will go about to debate her majesty's prerogative royal had need walk warily. In respect of a grievance out of the city for which I come, I think myself bound to speak that now which I had not intended to speak before; I mean a monopoly of salt. It is an old proverb, *Sal sapit omnia;* fire and water are not more necessary. *But for other monopolies, cards (at which Sir Walter Raleigh blusht),* dice, starch, and the like, they are (because monopolies), I must confess, very hurtful, though not all alike hurtful." The bystanders at Raleigh's trial seemed to have understood Coke's allusion in his use and repetition of the word "*deal.*" A letter hitherto unpublished, and from an eye-witness, contains a curious passage which furnishes a conclusive comment upon these cruel words of the King's Attorney, and thus describes the *game.*

"The managing of this arraignment was like the sett at Mawge. The King's Attorney did at the first inforce the evidence with slender proofes, and reserved in the decke the ace of hearts. Sir Walter, on the other side, kept close the knave of the game, as he supposed, wherewith to take the ace. For after Sir Walter had much disabled the first evidence, and seemed in the opinion of divers not cleerely guiltie (though noe verie honest man), then did the Kinges Attorney produce a full and voluntarie accusation subscribed with the L. Cobham's owne hand, sheweinge that Sir Walter was the principall contryver, plotter, and deviser of all the treasons. Which Sir Walter seeing, seemed to wonder, and draweinge out of his bosome a paper, first used theis speeches in

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effect: 'Alas, poore, seely, weake, base, miserable man;' and then intreated my L. Cecill to read it, whoe tooke it, and delivered it to the clarke, wherby it appeared that the L. Cobham had, upon all the oathes that maie binde a christian, an honest, or honorable man, cleered Sir Walter of all the treasons."

"Winchester, hast, 19 of November, 1603.

A postscript, "*Sir Walter is attainted of treason*," shews the letter to have been written under the impression of the moment and from the spot.

With respect to Coke's abuse, it is curious, as matter of critical observation, to note how his own expressions, "English *face*" and "Spanish *heart*," suggest to himself through the association of *face* cards, and *hearts*, the offensive word "*deal*." As matter of moral observation, it is interesting to remark how quietly and effectively Raleigh gives his irritated accuser to understand that he is aware of the intended insult and retains his self-possession, by retorting upon *cards* a sarcasm derived from *bowls*: "It will go near to prove *a measuring cast* between you and me, Mr. Attorney."

NOTE YYYY.

When Coke indulged himself in these satirical lines he alluded to Sebastian Brant's "*Stultifera navis*," translated by Alexander Barclay, and then called, "*The Ship of Fooles*." This work opens with a most inviting satire, having for its title *De Inutilibus Libris*. "Here beginneth the Ship of Fooles, and first "*Of Unprofitable Bookes*;" to the company of which Coke, in his ungrateful spleen, consigned the *Novum Organum*. In addition to the obvious sarcasm conveyed in the happy *title* to which he alludes, he doubtless indulged himself in the recollection of some lines which followed, and which he associated with *Lord* Bacon's new dignity.

"Eche is not lettered that now is made a lorde,
Nor eche a clerke that hath a benefice;
They are not all lawyers that pleas do recorde,
All that are promoted are not fully wise."

The spirit of his "*Auctori Consilium*" he evidently caught from the lines which conclude the satire in the original:

"O vos doctores qui grandia nomina fertis
Respicite antiquos patres, jurisque peritos:
Non in candidulis pensebant dogmata libris," &c.

May we be forgiven for the surmise that this reference to Brant's book was accompanied by some secret mental application of a coarse jest supplied by the next page? To the chapter "*De Inutilibus Libris*" succeeds "*De Malis Consultoribus*." "*Of Evill Counsellors, Judges, and Men of Law*," where the cut prefixed is an attempt to scald a live pig in a caldron. Now here, and in perfect keeping with the refined spirit which dictated many of the Chief Justice's classical displays of rhetoric, was *Bacon* on the brink of the *hot water* which the *Coke* had prepared. The uncharitable suspicion gathers strength from the fact that the whole satire "*Of Evill Counsellors*" is directed by the translator to the *Chancery Bar*, in his L'Envoy, which opens thus, with some strength and much *naiveté*.

"Therefore ye yonge studentes of the Chauncery
(I speake not to the olde, the cure of them is past:)
Remember that justice long hath in bondage be,
Reduce her nowe unto libertie at the last,
Endeavour you her boudes to louse or to brast."

That the personages engaged in forcing the hog into the pot were adorned with caps and bells, was an incident most naturally overlooked by the self-complacency of the Chief Justice.

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From an indication which occurs in a collection of Poems in honour of Bacon, edited immediately after his death by Rawley, "*Memoriæ Albani Sacrum*," *4to.* 1626, good evidence may be adduced that the sarcasm contained in the lines,

> "Instaurare paras veterum documenta sophorum,
> Instaura leges, justitiamque prius,"

had been circulated,—and if so, most probably by the author himself—through the Inns of Court. Robert Ashley, of *the Middle Temple*, is one of the contributors, and thus indignantly refers to those very lines and the objection they convey:

> "Scripta docent; veterum queis hic monumenta sophorum
> Censurâ castigat acri;—exiguoque libello
> Stupendos ausus docet 'INSTAURATIO MAGNA.'"

This was not ill done with respect to the Latin gibe, but with regard to English as well as Latin,—the taunt upon his wisdom, or the sneer at his knowledge of the principles of justice,—Bacon himself had already, and as it were by anticipation, done much better. Long ago had he given the very best reply to the ribbald allusion into which his device of a ship upon its adventurous voyage beyond the Pillars of Hercules, had tempted an ungenerous rival. Long before had he set an example which fixed the *folly* on him who would not or could not profit by it. In expressing his opinion of another's labours, he too had spoken of *a ship;* but it was in a strain of higher mood, where justice and admiration united to drown the jarring notes of rivalry and self. In 1613 thus did Bacon, then Attorney General, write to his king: "Had it not been for Sir Edward Coke's reports (which though they may have errors, and some peremptory and extrajudicial resolutions more than are warranted, yet they contain infinite good decisions and rulings over of cases,) the law by this time had been almost like *a ship* without ballast."

[For the two preceding notes I am indebted to my kind and intellectual friend, B. H. Bright.]

NOTE ZZZZ.

Nicholls, in his Progresses of Elizabeth, says, in each year an exact inventory was made on a roll signed by the Queen, and attested by the proper officers. Five of these rolls are preserved at full length in these volumes; the earliest in 1561-2, the latest in 1599-1600. The following from page 45 is a specimen:

"Anno Regni Reginæ 42 Eliz. 1599, 1600. New yeares guyftes geven to the Quene's majestie at her mannor of Richmonde, the firste day of January, in the yeare abovesayde, by these persones whose names hereafter ensue, viz.

"By Sir Thomas Egerton, Knight, Lord Keeper of the greate seale of Englande, one amuylet of gold, garnished with sparkes of rubyes, pearle, and halfe pearle.

"By the Lord Buckhurste, Lord High Treasurer of Englande, in golde, £10. delivered to Henry Sackford, esquyer, one of the groomes of her majestie's privy chamber.

"By the Lord Marques Win', in golde, £20.

"Earles.

"By the Earl of Nottingham, Lord Admyrall, one karcanett, containinge 29 pieces of golde, whereof nyne bigger pieces and tenne lesser, 18 pendantes like mullettes, likewise garnished with small rubyes and pearle, with a round jewell pendant in the myddest, garnished with one white topaz, and a pearle pendant, and nine small rubyes.

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"By the earle of Shrewesbury, parte of a doublett of white satten, embrothered all over like snakes wounde together, of Venice sylver, with wroughte and puffes of lawne embrothered, with Venice sylver like wheate eares."

The list then contains gifts by marquesses and countesses. By the bishops, by lords, baronesses, ladies, knights, sundry gentlewomen and gentlemen, including the gift of Mr. Francis Bacon, mentioned in the text. It concludes:

"Summa totalis of all the money given to her highness this year £754. 6s. 8d."

Amongst these are somewhat whimsically arranged the physicians, apothecaries, the master cook, several tradesmen and artificers, ending with Charles Smith, Dustman, who gave "two bottes of Cambric," and received twenty ounces and a half of gilt plate.

NOTE XOT.

If man is under the influence of any passion more powerful than the love of truth, he swerves from the truth.

All the rules of evidence in courts of justice as to the incompetency of witnesses seem to be founded on this law: and the confession of a criminal, if it is obtained by promises or threats, is not, by the law of England, permitted to be adduced as evidence against him; and a confession under the influence of hope or fear is not admitted as evidence.

"Man would contend that two and two did not make four, if his interests were affected by this position."—Hobbs.

"The light of the understanding is not a dry and pure light, but drenched in the will and affections, and the intellect forms the sciences accordingly. What men desire should be true, they are most inclined to believe. The understanding, therefore, rejects things difficult, as being impatient of inquiry: things just and solid, because they limit hope; and the deeper mysteries of nature, through superstition: it rejects the light of experience through pride and haughtiness, as disdaining the mind should be meanly and waverly employed: it excludes paradoxes for fear of the vulgar; and thus the affections tinge and infect the understanding numberless ways and sometimes imperceptibly."—Bacon.

"Agnus" was the only combination which the wolf, learning to spell, could make of the twenty-four letters of the alphabet.

"Not much
Unlike young men, whom Aristotle thought
Unfit to hear moral philosophy.
The reasons you allege do more conduce
To the hot passion of distempered blood
Than to make up a free determination
'Twixt right and wrong, 'for pleasure and revenge
Have ears more deaf than adders to the voice
Of any true decision.'"—Troilus and Cressida.

In the memoirs of Baron Grimm, he says, "Madame Geoffrin avait fait à M. de Rhulière des offres assez considérables pour l'engager à jeter au feu son Manuscrit sur la Russie. Il lui prouva très éloquemment que ce serait de sa part l'action la plus indigne et la plus lâche. A tout ce grand étalage d'honneur, de vertu, de sensibilité qu'elle avait paru écouter avec beaucoup de patience, elle ne lui répondit que ces deux mots: "En voulez-vous davantage?'"

A certain English ambassador, who had for a time resided at the court of Rome, was on his return introduced at the levee of Queen Caroline. This lady asked him why in his absence he did not try to make a convert of the Pope to the Protestant religion? He answered her, "Madam, the reason was that I had nothing better to offer his Holiness than what he already has in his possession."

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NOTE XOV.

The various obstacles are:

1. Want of time, from { Worldly occupation. / Shortness of life.
2. Want of means.

That they are all and each overrated may, without difficulty, be seen.

Worldly occupation.

Although it is, in general, true that the wisdom of a learned man cometh by opportunity of leisure, and he that hath little business shall become wise, yet let it not be forgotten what has ever been done in contemplation by lovers of truth engaged in active life: by those who are so fortunate as to know the delights of intellectual pleasure.

Brutus, when a soldier under Pompey in the civil wars, employed all his leisure in study; and the very day before the battle of Pharsalia, though it was in the middle of summer, and the camp under many privations, spent all his time till the evening in writing an epitome of Polybius.

Julius Cæsar wrote his Commentaries and a work De Analogia, occasioned a reformed computation of the year, and collected a book of Apophthegms.

Who can forget the labours of Cicero?

Alfred, notwithstanding the multiplicity and urgency of his affairs, employed himself in the pursuits of knowledge: he often laboured under great bodily infirmities: he fought in person fifty-six battles by sea and land; was able, during a life of no extraordinary length, to acquire more knowledge, and even to compose more books, than most studious men, though blest with the greatest leisure and application, have in more fortunate ages made the object of their uninterrupted industry.

Elizabeth, unto the very last year of her life, accustomed herself to appoint set hours for reading; scarce any young student in an university more daily or more duly.

Can the labours of Milton or of Burke be forgotten?

Shortness of life.

"Vita brevis: ars longa:
Sed fugit interea: fugit irreparabile tempus."

Notwithstanding the shortness of life, which is supplied by the conjunction of labours, much may be done by any individual who steadily pursues his object. Let him who despairs think of the labours of the schoolmen: of our divines, of Barrow, of Taylor: of eminent artists, of Raphael, of Michael Angelo: of poets, of Milton, of Shakespeare: of philosophers, of Newton, of Bacon.

The obstacle from the shortness of life may be counteracted by the consciousness that 'no labour is lost," and that a discovered truth will flourish in future ages. "We hold it sufficient," says Bacon, "to carry ourselves soberly and usefully in moderate things; and in the mean time to sow the seeds of pure truth for posterity, and not be wanting in our assistance to the first beginnings of great things."

In Bacon's Dedication of the Novum Organum to James, he says, "I may, perhaps, when I am dead, hold out a light to posterity by this new torch set up in the obscurity of philosophy."

We ought rather to be grateful than to repine at being able to conceive more than we are able to execute. In works of benevolence our exertions are limited: we can reach only to our arm's length, and our voice can be heard only till the next air is still: are we to murmur because our good wishes and prayers extend to all mankind?

Wasting time.

The knowledge of the art of preventing the waste of time is a science of great importance, and may be thus exhibited:

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- 1. In general.
- 2. In particular.
  - 1. Excess in sleep.
  - 2. Misapplication of times of vacation.
  - 3. Useless inquiry.

Wasting time, in general.

Alfred usually divided his time into three equal portions: one was employed in sleep and the refection of his body by diet and exercise; another in the dispatch of business; a third in study and devotion: and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanthorns, an expedient suited to that rude age when the geometry of dialling, and the mechanism of clocks and watches was entirely unknown.

Sleep.

Of wasting time by excessive sleep, Milton, speaking of his own morning occupations, says, "My morning haunts are, where they should be, at home; not sleeping, or concocting the surfeits of an irregular feast, but up, and stirring; in winter, often ere the sound of any bell awake men to labour, or to devotion; in summer, as oft with the bird that first rises, or not much tardier, to read good authors, or cause them to be read, till the attention be weary, or memory have its full freight."

Wasting time, by misapplication of times of vacation.

Cicero says, "Quare quis tandem me reprehendat: si quantum cæteris ad festos dies ludorum celebrandos, quantum ad alias voluptates et ad ipsam requiem animi et corporis conceditur temporis, quantum alii tempestivis conviviis, tantum mihi egomet ad hæc studia recolenda sumpsero."

"But," says Bacon, "if any man notwithstanding resolvedly maintaineth, that learning takes up too much time which might otherwise be better employed, I answer, that no man can be so straitened and oppressed with business and an active course of life, but may have many vacant times of leisure, whilst he expects the returns and tides of business, except he be either of a very dull temper or of no dispatch, or ambitious (little to his credit and reputation) to meddle and engage himself in employment of all natures and matters above his reach. It remaineth therefore to be inquired in what matter, and how those spaces and times of leisure should be filled up and spent; whether in pleasures or study, sensuality, or contemplation, as was well answered by Demosthenes to Æschines, a man given to pleasure, who, when he told him by way of reproach that his orations did smell of the lamp, 'Indeed,' said Demosthenes, 'there is great difference between the things that you and I do by lamplight:' wherefore let no man fear lest learning should expulse business; nay, rather it will keep and defend the possessions of the mind against idleness and pleasure, which otherwise, at unawares, may enter, to the prejudice both of business and learning."

Mr. Charles Butler, in his Reminiscences, says, "Very early rising, a systematic division of my time, abstinence from all company, and from all diversions not likely to amuse me highly, and, above all, never permitting a bit or scrap of time to be unemployed, have supplied me with an abundance of literary hours."

Instances of this misapplication of times of vacation may be observed in the conduct of members of different professions.

Evelyn, in his Memoirs, says, 5th December, 1678: "I was this day invited to a wedding of one Mrs. Castle, to whom I had some obligation, and it was to her fifth husband, a lieutenant colonel of the city. She was the daughter of one Burton, a broom-man, by his wife who sold kitchen-stuff, whom God so blessed, that the father became very rich and was a very honest man: he was Sheriff of Surrey when I sat on the bench with him. Another of his daughters was married to Sir John Bowles, and this daughter was a jolly, friendly woman. There was at the wedding the Lord Mayor, the Sheriff, several Aldermen, and

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persons of quality: above all, Sir George Jeffries, newly made Lord Chief Justice of England, with Mr. Justice Withings, danced with the bride, and were exceeding merry. These great men spent the rest of the afternoon, till eleven at night, in drinking healths, taking tobacco, and talking much beneath the gravity of judges, that had but a day or two before condemed Mr. Algernon Sidney."

Mr. C. Butler, in his Essay on the Life of Chancellor de l'Hôpital, says, "When a magistrate, after the sittings of the court, returned to his family, he had little temptation to stir again from home. His library was necessarily his sole resource; his books, his only company. Speaking generally, he had studied hard at college, and had acquired there a taste for literature, which never forsook him. To this austere and retired life, we owe the Chancellor de l'Hôpital, the President de Thou, Pasquier, Loisel, the Pithous, and many other ornaments of the magistracy. These days are passed."

Of loss of time by useless inquiry.

As the inclination to affection is imprinted deeply in our nature, insomuch that, if it issue not towards our fellow creatures, it will fix upon other creatures; so the love of truth, if it be not rightly directed, will waste itself in idle inquiry. Inquiry cannot, strictly speaking, ever be said to be wholly useless: for it is, indeed, some consolation to reflect that, however we may err and stray in the pursuit of knowledge, our labours are seldom, if ever, wholly lost. Some wheat will spring up amidst the tares. The waters of science cannot be troubled without exerting their virtue.

Bacon, in his Novum Organum, when speaking of instances of power, says, "Neither are superstitions, and those commonly called magical matters, to be quite excluded: for, although things of this kind lie strangely buried, and deep involved in falsehood and fable; yet some regard should be had to discover whether no natural operation is concealed in the heap; for example: in fascination—1. The power of imagination. 2. The sympathy or consent of distant things. 3. The communication of impressions, from spirit to spirit, as well as from body to body," &c.

The pursuit of alchemy is at an end. Yet surely to alchemy this right is due, that it may truly be compared to the husbandman, whereof Æsop makes the fable, that, when he died, told his sons he had left unto them a great mass of gold buried under ground in his vineyard, but did not remember the particular place where it was hidden; who, when they had with spades turned up all the vineyard, gold indeed they found none, but by reason of their stirring and digging the mould about the roots of their vines, they had a great vintage the year following: so the painful search and stir of alchemists to make gold hath brought to light a great number of good and fruitful experiments, as well for the disclosing of nature, as the use of man's life.

The modes of preventing useless inquiry are by
1. Avoiding idle curiosity.
2. Knowledge of existing inventions.
3. Contracting the inquiry within narrow limits.

Idle curiosity.

We spend our days in unprofitable questions and disputations, intricate subtleties, *de lana caprina*, about moonshine in the water.

> Truths, that the learn'd pursue with eager thought,
> Are not important always as dear bought,
> Proving at last, though told in pompous strains,
> A childish waste of philosophic pains;
> But truths, on which depends our main concern,
> That 'tis our shame and misery not to learn,
> Shine by the side of every path we tread,
> With such a lustre, he that runs may read.

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Bacon, in his Novum Organum, says, "Among prerogative instances, we assign the twenty-fifth place to intimating instances: that is, such as hint or point out the advantages or conveniences of mankind; for bare power and knowledge only enlarge, but do not enrich human nature, and therefore such things as principally appertain to the uses of life, are to be selected, or culled out from the general mass of things." Again, "As a further ground of expectation men may please to consider the infinite expense of genius, time, and treasure that has been bestowed upon things and studies of very little use and value; whilst, if but a part thereof were employed upon sound and serviceable matters, every difficulty might be conquered."

The angel in the Paradise Lost says,

"But whether thus these things or whether not,
Whether the sun predominant in heaven
Rise on the earth, or earth rise on the sun,
He from the east his flaming road begin,
Or she from west her silent course pursue
With inoffensive pace, that spinning sleeps
On her soft axle, while she paces even
And bears thee soft with the smooth air along,
Solicit not thy thoughts with matters hid,
Leave them to God above.
——but to know
That which before us lies in daily life
Is the prime wisdom, what is more is fume,
Or emptiness, or fond impertinence.
—— Joy thou
In what he gives to thee, this paradise
And thy fair Eve; heaven is for thee too high
To know what passes there; be lowly wise:
Think only what concerns thee and thy being."

Les hommes ne sont pas nés pour employer leur temps à mesurer des lignes, à examiner les rapports des angles, à considérer les divers mouvemens de la matière: leur esprit est trop grand, leur vie trop courte, leur temps trop précieux pour l'occuper à de si petits objèts; mais ils sont obligés d'être justes, équitables, judicieux dans tous leurs discours, dans toutes leur actions, et dans toutes les affaires qu'ils manient, et c'est a quoi ils doivent particulièrement s'exercer et se former.

——"Quid fas optare, quid asper
Utile nummus habet, patriæ charisque propinquis
Quantum elargiri deceat, quem te Deus esse
Jussit, et humana qua parte locatus es in re,
Quid sumus, aut quidnam victuri gignimus."

Curiosity in things of little use is either in words or in matter; the first distemper of learning is when men study words, not matter; a vanity which more or less will ever exist.

Pygmalion frenzy is a good emblem of this vanity, for what are words but the images of matter? and except they be animated with the spirit of reason, to fall in love with them, is all one as to fall in love with a picture.

Demetrius the grammarian finding in the temple of Delphos a knot of philosophers chatting together, said to them, 'Either I am much deceived, or by your cheerful and pleasant countenance, you are engaged in no very deep discourse.' To which one of them, Heraclean the magician, replied, 'Tis for such as are puzzled about inquiring whether the future tense of the verb βάλλω be spelt with a double λ, or that hunt after the derivation of the comparatives χείριον, βέλτιον, and the superlatives χείριστον, βέλτιστον, to knit their brows whilst discouring of their science.'

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Ignorance of existing inventions.

The celebrated John Hunter, who was almost self-educated, is said to have devoted much of his valuable time to the discovery of some truths that had been known for years.

Bacon, in his Instances of Power, says, "In the tenth place come instances of power; or, as we sometimes call them, trophies or ensigns of power, inventions, or the works of men's hands; that is, the most noble and perfect works, and as it were the masterpiece in every art. For since the design is to bend nature to things, and bring her to serve the turn of man, (*a*) it is absolutely proper that the works already in men's possession should be enumerated and set down, (as so many provinces already subdued and cultivated,) especially such works as are best understood, and brought nearest to perfection; because these afford a short and easy passage to further discoveries.

Contracting inquiries within narrow limits.

This subject is considered in the Novum Organum.

NOTE XOU.

When a great outrage is committed by a lunatic, as Hadfield's attempting to shoot the King, or Bellingham's shooting Mr. Percival, it is a common vulgar feeling that the offender should be executed: and Bellingham was executed.—Q. 1. Does not this error originate in the supposition that insane minds can be influenced by a calculation of the consequences of its actions? Q. 2. Do not punishments increase the offence, by awakening the morbid feeling? Q. 3. Does not punishment originate in the alarm felt by the community at the probable repetition of the offence.

NOTE XOY.

"My very good Lord,—I thank your lordship for your last loving letter. I now write to give the King an account of a patent I have stayed at the seal. It is of licence to give in mortmain eight hundred pounds land, though it be in tenure in chief to Allen, that was the player, for an hospital. I like well that Allen playeth the last act of his life so well; but if his majesty give way thus to amortize his tenures, his courts of wards will decay, which I had well hoped should improve. But that which moved me chiefly is, that his majesty now lately did absolutely deny Sir Henry Savile for two hundred pounds, and Sir Edwin Sandys for one hundred pounds, to the perpetuating of two lectures, the one in Oxford, the other in Cambridge, foundations of singular honour to his majesty (the best learned of kings), and of which there is great want; whereas hospitals abound, and beggars abound never a whit the less. If his majesty do like to pass the book at all; yet if he would be pleased to abridge the eight hundred pounds to five hundred pounds, and then give way to the other two books for the university, it were a princely work. And I would make an humble suit to the King, and desire your lordship to join in it, that it might be so. God ever preserve and prosper you. Your Lordship's most obliged friend and faithful servant."

In Herne's History of the Charter House, p. 107, after having stated

(*a*) Let a clear and strong conception be had of the end in view; which is no less than to acquire such a command and mastery over nature, as that men may use her like a ready instrument, or agent, in effecting the greatest works; such as lengthening life, ruling the weather, and the like, which to vulgar philosophers appear impossibilities.

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Bacon's letter to the King respecting Sutton's Hospital (ante, cliv), says, "Those who ever understood the temper of this learned man may easily perceive that at this time there were baits enough laid for his partiality, that such a mind as his could not but be biassed, nay, now he was to contest for opposition's sake: this made him busy and importunate, eager at the bar, and earnest in his addresses to the King. The motives that encouraged him to espouse the plaintiff's quarrel, in short were these: 1. The comfortable expectation of a great share of the revenues. 2. Because he was not named by Sutton, as one of the trustees for the foundation; which very reflection Mr. Laws, the executor, used to him much about the trial. 3. He and Sir Edward Coke could never agree, and therefore no wonder if they differed in this affair: an instance whereof I find in a letter of his of expostulation to Sir Edward, wherein he says, He took a liberty to disgrace his law, experience, and discretion, &c. I shall not undertake to answer the particular arguments in the letter, but only briefly take thus much notice of it. First, the simile of salt and sacrifice amounts to no more than this: that we can do nothing perfectly, but yet we must do as well as we can; and in acts of mercy every man is the proper judge of his own discretion. Secondly, he urges the honourable trustees cannot live for ever; but yet, at their decease, their equals are chosen in their room. What else is urged, is rather a large and studied essay of the end of charity, than a thing proper to this affair."

In Stephens's collection of letters, p. 234, which contains this letter to Buckingham, there is the following note upon these observations of Herne: "It were to be wished this observation did not hold true in these times; for though the foundations of hospitals are to be commended, which Sir Francis Bacon hath done both in this letter and other his writings, yet it shews that some more adequate remedy for supporting the poor, than what arises from these charities, or even from the laws enacted for their relief, was then, and yet is to be desired. And as the defect thereof is no small reproach to the government of a country, happy in its natural product, and enriched by commerce; so it would be an act of the greatest humanity, that the poor might be provided for, and beggary and idleness, the successive nursery of rogues, as far as possible extirpated. And since his majesty has recommended it to the parliament from his throne, with a tenderness becoming the father of his country, it is to be hoped that great assembly will be able in his reign to effect so good a work. Upon this occasion I cannot but take notice of a story which has been spread abroad to the defamation of Sir Francis Bacon (but upon no good ground, as far as I can judge), as if in the accomplishment of the foundation of the Chartreux Hospital, begun by Mr. Sutton, and carried on by his executors, Sir Francis who was then the King's Solicitor, had, for some ill designs of gain to himself or others, endeavoured to have defeated the same. The fact whereof was: that the heir at law supposing, that notwithstanding what Mr. Sutton had done in procuring acts of parliament, and patents from the King, in order to establish this noble charity, the greatest part of his estate was descended to him; it was argued on his behalf, by the Solicitor General, and by Mr. Henry Yelverton, and Mr. Walter, men of great reputation in those times. And whatever ill intentions some of the court might have, my request to the reader is, that before he pass any censure upon Sir Francis Bacon relating hereunto, he would please to peruse his advice given to the King touching Mr. Sutton's estate, and published in the Resuscitatio, p. 265."

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NOTE GGG.

Journal of Proceedings against Lord Bacon.

[From a tract, entitled, A Collection of the Proceedings, &c.]

15th March, 1620.—Sir Robert Philips reports from the committee appointed to inquire into abuses in the courts of justice, viz.—I am commanded from the said committee to render an account of some abuses in the courts of justice, which have been presented unto us. In that which I shall deliver are three parts: 1. The person against whom it is alleged. 2. The matter alleged. 3. The opinion of the committee.

1. The person against whom it is alleged is no less than the Lord Chancellor; a man so endued with all parts both of nature and art, as that I will say no more of him, being not able to say enough. 2. The matter alleged is corruption. 3. The persons by whom this is presented to us are two, Awbrey and Egerton.

Awbrey's petition saith, that he having a cause depending before the Lord Chancellor, and being tired by delays, was advised by some, that are near my lord, to quicken the way by more than ordinary means, viz. by presenting my lord with 100*l.* The poor gentleman, not able by any means to come to his wished-for port, struck sail at this, and made a shift to get 100*l.* from the usurer; and having got it, went with Sir George Hastings and Mr. Jenkins of Gray's Inn; and being come to my lord's house, they took the money of him, and carried it in to my Lord Chancellor, and came out to him again, saying, My lord was thankful, and assured him of good success in his business. Sir George Hastings acknowledges the giving of advice, and carrying in of money to my lord, and saith, he presented it to my lord as from himself, and not from Awbrey. This is also confirmed by divers letters; but it wrought not the effect which the gentleman expected; for notwithstanding this, he was still delayed.

Egerton sheweth, that he desiring to procure my lord's favour, was persuaded by Sir George Hastings and Sir Richard Young to present my lord with a sum of money. Before this advice, he had given a present of 52*l.* and odd shillings in plate, as a testimony of his love; but yet rests doubtful whether before his calling to seal, or since. But now, by mortgaging his estate, he got up 400*l.* and sends for Sir George Hastings and Sir Richard Young, desires their assistance in presenting this money, and told them how much it was. They took it and carried it in, and presented it to the Lord Chancellor, as a gratuity from the gentleman, for that my lord (when he was Attorney) stood by him. My lord (as they say) started at it first, saying, It was too much, he would not take it; but at length was persuaded, because it was for favours past, and took it; and the gentleman returned him thanks, saying, That their lord said that he did not only enrich him, but laid a tie on him to assist him in all just and lawful business. Sir George Hastings and Sir Richard Young acknowledged the receiving and delivery of the purse, but said they knew not what was in it.

Then a question was proposed, whether there were any suit depending during those offers, either in the Chancery or Star Chamber; but there was no certain evidence of it. Thus you see corruption laid to the charge of a judge too, a great judge, nay, to the great keeper of the king's conscience.

Another point came in by the by, shewing that some indirect means are sometimes open (I fear too often) to the courts of justice. It concerns no less man than a divine, that is now a bishop, but then called Doctor Field. Mr. Egerton and he being acquainted, and Mr. Egerton's mind being troubled with the ill success of his business, vented it to this divine, who contrary to his profession, took upon him to broke for him in such a manner, as was never precedented by any. He made Egerton to acknowledge a recognizance of 10,000*l.* with a defeasance, that if my Lord Chancellor did decree it for him, 6000*l.* was to be distributed amongst those honourable persons that did solicit it for him;

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but if it did not go as they desired, he promised in *verbo sacerdotis*, that he would deliver the bonds again. This appeared by letters from the now reverend bishop, but then practical doctor. Mr. Johnson (a moral honest man) perceiving that Mr. Egerton finding no relief, did intend to prefer a petition against my Lord Chancellor, by one Heal's means, took occasion to talk with Mr. Egerton, asking him, why he would prefer such a scandalous petition against my lord? He would have him take the money out of the petition, and then his cause by the mediation and conference of some other judge with my lord, might be brought to a good end; and for money, if he had lent any, he might be satisfied again. There was, upon a petition to the King by Sir Rowland Egerton, a reference of this matter to my Lord Chancellor, and Mr. Edward Egerton entered into 10,000 marks bond.

He had treated with one Doctor Sharp, that if he would give 1100*l.* he should have his desire: we sent for Sharp, but he denied that he ever contracted with him.

The desire of the committee was, to reform that which was amiss; and they thought fit to give as much expedition as may be, because so great a man's honour is soiled with it, and therefore that further inquisition be made this afternoon, and when it is found, to be sent to the Lords.

Thus I have faithfully related what hath passed, and with as much duty and respect as I might to my Lord Chancellor, I desire it to be carried out of the house with a favourable construction.

Ordered, that this matter be further considered by the committee this afternoon.

[The previous statement is from the Tract, the following from the Journals:]

15th March.—Sir Robert Phillippes reporteth from the committee for Courts of Justice, three parts: Person, against whom: the matter: and opinion of the committee: with desire of further direction.

The person, the Lord Chancellor: a man excellently endued with all parts, of nature and art. Will not speak much, because cannot speak enough.

The matter, corruption: the parties accusing, Awbrey and Egerton.

Upon question, resolved, that the complaints of Awbrey and Egerton against the Lord Chancellor and the Bishop, for corruption, for the 100*l.* and 400*l.* and the recognizance, shall be presented to the Lords from this house, without prejudice or opinion.

This to be presented to the Lords upon Monday.

The heads hereof to be set down in writing, for the better information of this house.

The same to be presented by Sir Ro. Phillippes.

The heads to be set down by Sir Edw. Coke, Sir Ro. Phillippes, Mr. Noye, Sir D. Digges.

Sir Tho. Howard. That this message must be, first, for a conference; and then to deliver this complaint at that conference. Agreed.

Awbrey.

Awbrey complaineth, that, wearied in his cause in chancery, he was advised by his counsel, to expedite his business, to present the Lord Chancellor with 100*l.* He got at use 100*l.* goeth with Sir George Hastings and Mr. Jenkyns to Yorke House: there they two went, and returned to him, with thanks from my lord, and hopes of better success in his cause than formerly.

That Sir George confessed, he consented to the advice; and that he gave my lord the money, but, as from himself, not from the party.

That this confirmed by the copies of Awbrey's letters to my lord; wherein this sum mentioned. That, this notwithstanding, his cause succeeded ill, being still locked up there.

Egerton.

The next, Edward Egerton. That, having many suits, he first presented my

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lord with a bason and ewer, of 52*l.* but doubtful, whether this before he was Lord Keeper, or presently after.

That persuaded by Sir George Hastinges, and Sir Richard Yong, to gratify my lord. That he sold tythes; raised 400*l.* carried it to Whytehall, to my Lord Chancellor's lodging; called for Sir George and Sir Richard Yong, and by them sent in this gold in a purse; who carried it in to my lord; who started at it, saying, it was too much. That thanks returned to him from my lord. And Edward Egerton saith, he had a further message; that my lord said, he not only enriched him, but bound him to do him all lawful favours.

This denied by Sir George and Sir Richard Yong; but the delivery of the money confessed by them.

That it was ordered by the committee, Edward Egerton should have time, to bring in all the petitions, references, bills, answers, injunctions, orders, and writings, concerning this business.

That a circumstance appeared, that some indirect way open in these cases. That Egerton, acquainted with a divine, now a bishop, broke to him his suits: he undertook to broke for him; took from him a recognizance of 10,000*l.* with a kind of defeazance, that, if his land were decreed him, he should pay 6000*l.* to those honourable persons, by whom he should receive favour. That this was confirmed by Bishop Feild's letters. That this letter had some honesty in it; for, if the business succeeded not, *in verbo sacerdotis* he should have his recognizance again.

A circumstance, concerning Mr. Johnson, a member of this house, a moral honest man: That, as Egerton saith, Johnson persuaded him to take out of his petition the matter of money, and then his lordship would give way to it; and, if he would go in the afternoon to my lord, with Sir George and Sir Richard Yong, my lord was like to let him have the money he had lent him: but this Johnson denied.

Sir Richard Yong: grieved, to hear, or speak, of this. That he summoned to answer here in a great senate; therefore will neither deny, nor blanch, truth. That Edward Egerton and he long acquainted: cousins. Beholding to the Lord Chancellor, who had been formerly of his counsel. That Sir George and he dining with my lord at Whytehall, Edward Egerton brought them a bag of gold: that they presented it to my lord, as a thankful remembrance from a client, to buy him a suit of hangings for his house, which then preparing.

Mr. Noye: two complainers of wrongs done by them; Awbrew, and Egerton. That they accuse the Lord Chancellor of a great crime. We must needs now, either clear, or condemn him.

That strange, there should be witnesses in this case: yet here some. Liketh not, Sir George or Sir Richard should have made any apology. The accusation against one, that hath taken an oath, as a counsellor to the king, and chancellor: if the offence true, wrongeth the king, and the land in general.

It seems to be next to impossible that communication of these proceedings was not immediately made to the Lord Chancellor, and yet it is certain that he sat in the House of Lords on the 17th March, as appears from the following entry on the journals:

Die Sabbati, videlicet, 17° die Martii, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentes fuerunt:

p. Carolus Princeps Walliæ, &c.

Archiepus. Cant.
p. Archiepus. Eborum.
Epus. London.
p. Epus. Dunelm.
p. Vicecomes St. Alban, Magn. Canc. Angliæ.
p. Vicecomes Maundevil, Mag. Thes. Angliæ.

&c. &c.

This was the last time he sat as Chancellor in the House of Lords.

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[Sabbati, 17th March, 1620.—1st. From the Tract.]

Sir Robert Phillips made report from the Committee of the abuses in the Courts of Justice.

We met on Thursday in the afternoon: the principal thing wherein I desired to be satisfied was, whether at the time of giving those gifts to the Lord Chancellor, there was any suit depending before him. In Awbrey's case it appeared plainly there was something accidentally fell out in this examination, and that is a declaration of Sir George Hastings, who hath been struggling with himself betwixt gratitude and honesty, but public and private goods meeting, he preferred the public, he pitying Awbrey's case, did give in a box of 100*l.* to the Lord Chancellor in those terms or the like, that it was to help Awbrey in his cause, notwithstanding not long after a very prejudicial and murthering order was made against Awbrey in his cause; whereupon Sir George Hastings moved my Lord Chancellor to rectify this order; my lord promised to do it, but did it not. The order was put into the hands of one Churchill, (one of the registers of the Chancery) by a servant of the Lord Chancellor's.

There are letters of Awbrey to the Lord Chancellor touching this business.

Now for Mr. Egerton's case: as the matter was of more weight, so the sum was of larger extent, for there was 400*l.* given then, and a suit then depending in the Star Chamber, about which time Sir Rowland Egerton did prefer a petition to the King for a reference unto the Lord Chancellor; whereupon my lord caused him to enter into 10,000 marks bond to stand to his award. An award was made, which was refused by Edward Egerton; thereupon a suit by the Lord Chancellor's direction was commenced against him, and the bond of 10,000 marks assigned over to Sir Rowland Egerton. About this time Edward Egerton became acquainted with Doctor Field, relating his cause unto him, who pitying him, sent him two worthy gentlemen, Mr. Damport and Sir John Butler (who is now dead;) he makes known his case to them, and desires them to be a means to put off his cause from hearing, because his witnesses were not here. Whereupon Damport rode to the Marquis of Buckingham to have had his letter to the Lord Chancellor to stop it; but the marquis said he would not write, because the matter was already decreed, and he would not receive it. Mr. Egerton was drawn into a bond of 10,000*l.* for 6,000*l.* and Mr. Damport being asked what he and Doctor Field should have had of this money, he said he did not remember what certain sum, but he said it was more than any cause could deserve in any court of justice.

In Awbrey's case this is to be added, that Sir George Hastings being at Hackney, where he dwelt, was sent for by the Lord Chancellor, and came unto him, and found him in bed, who bid him come near him, and willed the rest to depart the room, and then said to him, Sir George, I am sure you love me, and I know that you are not willing that any thing done by you shall reflect any dishonour upon me. I hear that one Awbrey pretends to petition against me; he is a man that you have some interest in, you may take him off if you please. Sir George Hastings afterwards met with Awbrey, and asked whether he intended any such thing, and desired to see it to show the Lord Chancellor, which Sir George accordingly did, and desired my lord to do the poor man justice. My lord promised to do it, and bad him bring his counsel; they did so, but could have no remedy; so the petition went on. Sir George Hastings sometimes since had conference with my Lord Chancellor; he told him, he must lay it upon his lordship. If you do, George, said he, I must deny it upon my honour.

Thus you see the relation of what hath passed. Now for our proceedings in it.

It is a cause of great weight, it concerns every man here; for if the fountains be muddy, what will the streams be? If the great dispenser of the king's conscience be corrupt, who can have any courage to plead before him? I will present one thing to you, and then make a request.

That which I move is, that we present this business singly to the Lords, and deliver it without exasperation. One precedent is for it in the like case, for a

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chancellor in a cause of corruption. Secondly, because the party accused is a peer of the kingdom, sitting in the higher house, whom we cannot meddle with. Thirdly, because we have no power to give an oath. That which I request is, that those people which have been fettered with much calamity by these courses may by petition to his majesty, or otherwise, have their causes revived and revised.

Sir Edward Sackvil. This noble lord stands but yet suspected; and I hold not those gentlemen that have testified against him competent witnesses. 1. Because they speak to discharge themselves. 2. Because, if he be guilty, they were those who tempted him. But yet, if notwithstanding you resolve to send it up to the Lords, let it be presented without any prejudicial opinion, to be weighed in the balance of their lordships' judgments. And if they think fit to examine these witnesses, let them.

Sir George Hastings. This adds to my grief; but this is my resolution, I had rather perish with a just sentence here than escape with a guilty conscience.

Some moved, that Sir George Hastings and Sir Richard Young should be separated till the matter were ended, but nothing ordered therein.

Mr. Nevil. After some reluctation within me, I am resolved to speak what my conscience moves me unto; I speak for the good of my country, the honour of my king, and advancement of justice. Justice is the fountain, the king the head thereof, clear as the waters of Siloah, pure as the river of Damascus; but there is a derivative justice brought unto us by channels; those are often muddy, and more bitter than the waters of Marah; such waters flow abundantly in Chancery. I will not touch upon the person of him that sits in court, for he is the dispenser of the king's conscience; but because some motions are made against the testimony of those gentlemen, I will say this, I think them fit to sit here, because they are neither delinquents nor accused. My lord means to deny it upon his honour; but I would not have that serve his turn, for he himself hath made the nobility swear in Chancery: therefore I would have their lordships informed what privileges they have lost. Next I would have them note the luxuriant authority of that court, and how it is an inextricable labyrinth, wherein resideth such a minotaur, as gormandizeth the liberty of all subjects whatsoever.

Mr. Recorder Finch. If we shall make but a presentation of this, we do in a sort accuse him, nay, judge him, if the gentlemen be admitted to give testimony; before it shall condemn another, it must agree with itself.

First, I heard him say, he gave it as a present from himself, yet afterwards he saith, he told my Lord Chancellor he had it from Awbrey. Again, Awbrey speaks not of any delivery of money himself to my Lord Chancellor. Then again it is urged, that a discontented suitor wrote letters to my lord, the letters are rejected, not hearkened unto: what doth this but free him?

In the other case; if Egerton, out of a desire to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude? And for the 6,000*l.* there is no colour that ever he should have had any part thereof.

For taking away the privilege of the nobility in requiring an oath, he found the court possessed of it before he came there; so that we have no sufficient grounds to accuse so great a lord; but if we shall present articles to the lords, what do we (as I said before) but accuse him?

Sir Edward Coke. It is objected, that we have but one single witness, therefore no sufficient proof. I answer, that in the 37 Eliz. in a complaint against soldier-sellers, i. e. such as having warrants to take up soldiers for the wars, if they pressed a rich man's son, for money they would discharge him, there was no more but *singularis testis* in one matter; but though they were single witnesses in several matters, yet agreeing in one and the same third person, it was held sufficient to prove a work of darkness, for in such works it is a marvel there are any. But some object that these men are culpable, and therefore no competent witnesses. I answer, they came not to accuse, but were interro-

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gated: if I be interrogated, I had rather speak truth than respect any man; and you will make bribery to be unpunished, if he who carrieth the bribe shall not be a witness. In this one witness is sufficient. He that accuseth himself by accusing another, is more than three witnesses, and this was wrought out of them.

It was ordered that the complaint of Awbrey and Egerton against the Lord Chancellor and the bishop for corruption for the 100*l.* and 400*l.* and the recognizance should be drawn up by Sir Robert Philips, Sir Edward Coke, Mr. Noy, and Sir Dudley Diggs, and be related to the Lords without prejudice or opinion at a conference, and a message to be sent for this purpose on Monday. Adjourned, &c.

[2ndly. From the Journals.—17th March.]

Sir R. Phillips reported: that, in Egerton's case, it now appeared, by view of orders, that, at the time of the presenting my lord with the 400*l.* before, and after, a suit in chancery depending. An order made 28th Maii, another 3rd Junii, and another of July: mean between these, this 400*l.* given. The same time some suits in chancery.

That Robert Egerton petitioned the king, who referred it to my Lord Chancellor. Bonds of 10,000 marks apiece, to stand to his award. An award made: refused by Edward Egerton. A suit, by Lord Chancellor's direction, commenced in chancery; and the bonds of 10,000 marks assigned over to Sir Row. Egerton.

The recognizance of 10,000*l.* to Field and Damport, as in the notes at the committee, for the motion, and answer, of, and to, my lord of Buck'. That Field was to have a great share; and Damport, as he said, a share also, so great, as, he thought, no suit in any court would have afforded.

Sir George Hastinges: that, out of commisseration of the poor man's person and estate, he gave way to this by-way; for which sorry, and craveth pardon.

Sir George Hastinges required to deliver the truth, upon his credit.

That, about three weeks, he was sent for, by one of my lord's men, from Hackney: that my lord, in his bed, putting away his servants out of the chamber, told him, he hoped, he loved him so well, he hoped, nothing, passing by him, should reflect upon my lord; and required him to take off Awbrey. And took Awbrey his petition, carrying it to my lord, desired him to do the party that right, as might keep this off from his lordship, and him: which his lordship promised, wishing his counsel to come: which was done; but could not be heard: and therefore this pursued.

Mr. Noye: that my Lord Chancellor returned an answer to Egerton, of thankfulness; which could not do, if he had received it of them, as from themselves.

Mr. Finch: that, sithence these are to be sworn, not to have that set down in writing; and that, if it be set down in writing, it may be done apart.

Sir D. Digges and Dr. Gouch to do this apart.

Sir Robert Phillippes craveth pardon, if, through shortness of time, and his own wants, shall fail: and that he may add, in the end, that, if any thing else, of this kind, appear, they may appear.

Sir Ro. Phillippes reporteth from the committee for courts of justice, that it plainly appeared, in Awbrey his case, that he had a suit depending, before, at, and long after, the presenting of the 100*l.* to the Lord Chancellor. That Sir George Hastings had striven between gratefulness to my Lord Chancellor, and publick honesty. That he said, that, hoping it would have plained Awbrey his way in his suit, received from Awbrey 100*l.* which he delivered my lord, as from himself, to further Awbrey his suit. That Sir George, in summer last, acquainted Sir Charles Mount, that he had given this 100*l.* for this purpose, to my Lord Chancellor. That, a killing order made in Awbrey his prejudice, Sir George acquainted my lord with it, praying his help of it; who promised it, but performed it not. That this order drawn by Churchill, upon notes delivered him by a servant or secretary of my Lord Chancellor.

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Remembereth further, in Awbrey his case, Sir George said lately to my lord, he must say, this money was delivered to him by him: whereto my lord; "George, if you do so, I must deny it, upon mine honour." That last night, before this committee sat, my lord said to Sir George and Sir Richard Young, they must answer this another day; for he would deny it, upon his oath.

That, in Egerton's business, he, by Merrifield's help, got money, put it into gold; told Merrifield, my Lord Chancellor was to have it, for help in his cause; and told him, he had done so.

As Lord Bacon sat in the House of Lords on the 17th, and then sat there, for the last time as Chancellor, I infer that there was some communication between him and Buckingham between the 17th and the 19th, and that the following letter was written during this interval:

To the Marquis of Buckingam. (*a*)

My very good Lord,—Your lordship spoke of purgatory. I am now in it; but my mind is in a calm, for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think, if the great seal lay upon Hounslow Heath, no body would take it up. But the King and your lordship will, I hope, put an end to these my straits one way or other. And in troth that which I fear most is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning or fainting. But I hope in God I shall hold out. God prosper you.

The following anecdotes seem proper for this place:

Extract d'un Lettre de Monsieur le Chevalier Digby à M. de Fermat.

Et comme vous y parley de notre Chancellier Bacon, cela me fit souvenir d'un autre beau mot qu'il dit en ma presence une fois a feu Monsieur le Duc de Buckingham. C'étoit au commencement de ses malheurs, quand l'assemblée des états, que nous appellons le parlement, entreprit de la miner, ce qu'elle fit en suite ce jour la il eu eût la première alarme: j'étois avec le duc ayant disné avec lui; le chancelier survint et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit presentée contre lui, et il supplia le duc i'employer son credit aupres du roi pour le maintenir toujours dans son esprit: le duc repondit qu'il étoit si bien avec le roi leur maître, qu'il n'étoit pas besoin de lui rendre de bons offices aupres de sa majesté, ce qu'il disoit, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur: le chancelier lui repondit de tres-bonne grace, qu'en il croyoit être parfaitement bien "dans l'esprit de son maître, mais aussi qu'il avoit toujour remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui-même, il ne laissera pourtant pas de brûler mieux et d'être plus beau et plus clair si on le souffle comme il faut."

One told his lordship it was now time to look about him. He replied, "I do not look about me, I look above me."

[From the Tract.]

Lunæ, 19th Martii, 1620.—A message was sent to the Lords by Sir Robert Phillips to desire a conference with them about the Lord Chancellor and Bishop of Landaff being petitioned against by Awbrey and Egerton.

Mr. Secretary Calvert brings a message from the king, that this parliament

(*a*) This letter seems to have been written soon after Lord St. Alban began to be accused of abuses in his office of chancellor.

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hath sat a long time, and Easter is near come, and it's fit there should be a cessation for a time, yet the king will appoint no time, but leaves it to yourselves. But for the beginning again, he thinks the 10th of April a fit time, but will appoint none, only he would have you take care, that there be no impediment in the subsidies. The king also took notice of the complaints against the Lord Chancellor, for which he was sorry: for it hath always been his care to have placed the best; but no man can prevent such accidents. But his comfort was, that the house was careful to preserve his honour. And his majesty thought not fit to have the occasions hang long in suspence, therefore would not have any thing to hinder it; but for the furtherance thereof, he proposed a commission of six of the higher house, and twelve of the lower house to examine it upon oath. This proposition, if we liked it well, he would send the like to the lords; and this he thought might be done during this cessation; and though he hoped the chancellor was free, yet if he should be found guilty, he doubted not but you would do him justice.

Sir Edward Coke said, we should take heed the commission did no hinder the manner of our parliamentary proceedings.

The answer returned to the king, was, rendering thanks for the first part of his gracious message; and for the second, we direct that the like message may be sent to the lords, for there being so good a concurrence betwixt us, we may have conference with them about it. Then adjourned.

[From the Journals.]

Die Lunæ, videlicet, 19th die Martii, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentes fuerunt:

p. CAROLUS, Princeps Walliæ, etc.

Archiepus, Cant. — p. Jac. Ley, Miles, et Bar. Ds. Capit.

p. Archiepus, Eborum. — Justic. Locum tenens, etc.

Memorandum, that, by reason of the want of health and indisposition of the Lord Chancellor, a commission was awarded to Sir James Ley, knt. and bart. Lord Chief Justice of the King's Bench, signed by the king, and under the broad seal, to execute the same place; the which commission was delivered to the clerk, to be read.

Message from the lower house, by Sir Robert Phillipps and others,

That, in the search of the abuses of courts, they have found abuses in certain eminent persons; for the which they desire a conference; that such course may be taken, for redress thereof, as shall stand with the order and dignity of a parliament; the time and place, and number of committees, they humbly leave to their lordships.

Answer returned,

The lords are well pleased to accept of the conference required; the committee to be of this whole house, at two of the clock this afternoon, in the painted chamber.

[From the Tracts.]

Martis, 20 Martii, 1620.—Sir Edward Giles made a motion that one Churchill should be called in; whereupon there was a petition of one Montacute Wood, &c. against my Lord Chancellor for taking 300*l.* of the Lady Wharton, and making orders, &c. which was read. Churchill and Keeling were said to be witnesses, and a committee was appointed to examine them.

Sir Robert Phillips reports from the conference that, according to the commandment of this house, he had delivered those heads which were agreed on at the conference yesterday, excusing himself, if he had failed in any point; that the lords accepted it with a great deal of affection, as sensible of the wrongs of the commonwealth; returned answer by the Lord Treasurer, first by way of question, whether we would not return it them in writing? Resolved, no, for no cause, this consisting only of two or three points clear and plain. Next for the letters, and other things which the lords desire would acquaint the house, and doubted not but it would be yielded, that they would proceed in this matter with care and diligence, and expedition.

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A message from the lords, to signify that they have taken into consideration the last conference, and shall need the testimony of two members of this house; and therefore desire that voluntarily, and without ordering, as private persons, they make declaration upon oath, and the like for others, if occasion were.

Answer returned, that the gentlemen would attend voluntarily as private men, and (upon private notice) be examined.

Sir Robert Phillips reports from the committee appointed for the examination of Churchill, from which particular a general may be extracted, conducing to the discovery of corruption in the Lord Chancellor.

The Lady Wharton having a cause depending in chancery, many orders were made in it; amongst the rest, there was an order made for dismission, by the consent of the counsel on both sides; which my lady disliking, took Churchill, the Register, into her coach, carried him to my Lord Chancellor's, and so wrought, that he was willed not to enter the last order; so that my lady was left at liberty to prosecute it in chancery, brought it to a hearing, and at length got a decree. Keeling being examined, saith, that near about the time of passing this decree, my lady took 100*l.* he saw it, and she made him set down the words and stiles, which she would use in the delivery of it. Then she goeth to York House, and delivered it to my Lord Chancellor, as she told him. She carried it in a purse; my lord asked her what she had in her hand? She said, a purse of her own making, and presented it to him; who took it, and said, what lord could refuse a purse of so fair a lady's working! After this, my lord made a decree for her, but it was not perfected; but 200*l.* more being given, (one Gardener being present), her decree had life. But after the giving of the 100*l.* because she had not 200*l.* ready in money, one Shute dealt with her to pass over the land to my Lord Chancellor, and his heirs, reserving an estate for life to herself; but she knowing no reason to disinherit her own children, and confer it upon a lord who had no children, asked Keeling, her man, what he thought of it? He, like an honest servant, was against it. Shute knowing this, sets upon Keeling, and brought him to be willing my lady should do it, with power of revocation upon payment of 200*l.* in a reasonable time. Keeling lets fall some speeches, as if he had left York House for the corruption which was there, which he himself knew in part. Gardener, Keeling's man, confirmed the payment of the 300*l.* for the decree, viz. 100*l.* before, and 200*l.* after. This purchased decree being lately damned again by my Lord Chancellor, was the cause of this complaint.

Keeling saith, Sir John Trevor did present my Lord Chancellor with 100*l.* by the hands of Sir Richard Young, for a final end to his cause. Sir Richard Young answered, that when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it.

Sir Edward Coke said, it was strange to him that this money should be thus openly delivered, and that one Gardener should be present at the payment of the 200*l.*

Ordered,

That Sir Robert Phillips do deliver to the lords this afternoon the Bishop of Llandaff's and Awbrey's letters, and all other writings that he hath. Then adjourned.

[From the Journals.]

Die Martis, videlicet, 20th die Martii.—The Lord Treasurer reported the conference yesterday with the commons.

At which conference, was delivered the desire of the commons, to inform their lordships of the great abuses of the courts of justice; the information whereof was divided into three parts: 1. Of the persons accused. 2. Of the matters objected against them. 3. Their proof. The persons are, the Lord Chancellor of England, and the now Lord Bishop of Landaph (being then no bishop, but Doctor Feild). The incomparable good parts of the Lord Chan-

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cellor were highly commended; his place he holds, magnified; from whence bounty, justice, and mercy, were to be distributed to the subjects, with which he was solely trusted; whither all great causes were drawn, and from whence no appeal lay for any injustice, or wrong done, save to the parliament.

That the Lord Chancellor is accused of great bribery and corruption, committed by him in this eminent place. Whereof two cases were alleged; the one concerning Christopher Awbrey, the other concerning Edward Egerton.

In the cause depending in chancery between this Awbrey and Sir William Brouncker, Awbrey, feeling some hard measure, was advised to give the Lord Chancellor an hundred pounds; the which he delivered to his counsel (Sir George Hastings), and he to the Lord Chancellor. This business proceeding slowly notwithstanding, Awbrey did write divers letters, and delivered them to the Lord Chancellor, but could never have any answer from his lordship; but at last, delivering another letter, his lordship answered, "If he importune him, he will lay him by the heels."

The proofs of this accusation are five:

1. Sir George Hastings related it long since unto Sir Charles Montague. 2. The Lord Chancellor, fearing this would be complained of, desired silence of Sir George Hastings. 3. Sir George Hastings' testimony thereof, which was not voluntary, but urged. 4. The Lord Chancellor desired Sir George Hastings to bring the party (Awbrey) unto him, and promised redress of the wrongs done him. 5. That the Lord Chancellor said unto Sir George Hastings, if he would affirm the giving this hundred pounds, his lordship would and must deny it upon his honour.

The case of Edward Egerton is this. There being suits depending between Edward Egerton and Sir Rowland Egerton, in the chancery, Edward Egerton presented his lordship (a little after he was Lord Keeper) with a bason and ewre of fifty pounds and above; and afterwards, he delivered unto Sir George Hastings and Sir Richard Younge, four hundred pounds in gold, to be presented unto his lordship. Sir Richard Younge presented it; his lordship took it, and poised it, and said it was too much, and returned answer, that Mr. Egerton had not only inriched him, but had laid a tie upon his lordship to do him favour in all his just causes.

The proofs are, the testimony of Sir George Hastings, and the testimony of — Merefyll, a scrivener, thus far, that he took up seven hundred pounds for Mr. Egerton, Mr. Egerton then telling him, that a great part of it was to be given to the Lord Chancellor; and that Mr. Egerton afterwards told him that the four hundred pounds in gold was given to the Lord Chancellor.

At this conference, was further declared of a bishop, who was touched in this business upon the bye, whose function was much honoured, but his person touched herein.

This business (depending) being ordered against Edward Egerton, he procured a new reference thereof from the king, to the Lord Chancellor. His lordship demanded the parties first to be bound in six thousand marks, to stand to his lordship's award; they having entered into that bond, his lordship awarded the matter against Edward Egerton, for Sir Rowland Egerton. And Edward Egerton refusing to stand to the said award, a new bill was exhibited in the chancery; and thereupon his lordship ordered that this bond of six thousand marks should be assigned unto Sir Rowland Egerton, and he to put the same in suit, in his lordship's name. The Bishop of Landaph (as a friend unto Edward Egerton) adviseth with Randolph Davenport and Butler (which Butler is now dead), that they would procure a stay of the decree upon that award, and procure a new hearing. It was agreed, that six thousand pounds should be given for this by Edward Egerton, and shared amongst them and certain honourable persons. A recognizance of ten thousand pounds was required from Mr. Egerton to the bishop, for performance hereof; the bishop's share of this six thousand pounds was to have been so great, as no court of justice would allow. They produced letters of the bishop's, naming the sum, and setting down a course how this six thousand pounds might be raised; videlicet, the land in question to be decreed for Mr. Egerton, and out of that the money

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to be levied. And, if this were not effected, then the bishop promised, *in verbo sacerdotis*, to deliver up the recognizance to be cancelled. The recognizance is sealed accordingly; and Randolph Davenport rides to the court, and moved the Lord Admiral for his lordship's letter to the Lord Chancellor herein; but his lordship denied to meddle in a cause depending in suit. Then the said Randolph Davenport essayed to get the king's letter, but failed therein also: so that the good they intended to Mr. Egerton was not effected; and yet the bishop, though required, refused to deliver up the said recognizance, until Mr. Egerton threatened to complain thereof to the king.

He showed also, that the commons do purpose, that, if any more of this kind happen to be complained of before them, they will present the same to your lordships; wherein they shall follow the ancient precedents, which shew that great personages have been accused for the like in parliament.

They humbly desire, that, forasmuch as this concerns a person of so great eminency, it may not depend long before your lordships; that the examination of the proofs may be expedited; and, if he be found guilty, then to be punished; if not guilty, the accusers to be punished.

This report ended, the Lord Admiral declared, that he had been twice with the Lord Chancellor, to visit him, being sent to him by the king. The first time, he found his lordship very sick and heavy; the second time he found him better, and much comforted, for that he heard that the complaint of the grievances of the commons against him were come into this house; where he assured himself to find honourable justice; in confidence whereof, his lordship had written a letter to the house. The which letter the Lord Admiral presented to the house, to be read; the tenor whereof followeth:

"To the Right Honourable his very good Lords, the Lords Spiritual and Temporal in the Upper House of Parliament assembled.

"My very good lords,

"I humbly pray your lordships all to make a favourable and true construction of my absence. It is no feigning, nor fainting, but sickness both of my heart and of my back; though joined with that comfort of mind, that perswadeth me, that I am not far from heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, as far as I am worthy, hearing that some complaints of base bribery are come before your lordships, my requests unto your lordships are: first, that you will maintain me in your good opinion, without prejudice, until my cause be heard; secondly, that, in regard I have sequestred my mind at this time, in great part, from worldly matters, thinking of my account and answer in a higher court, your lordships would give me some convenient time, according to the course of other courts, to advise with my counsel, and to make my answer, wherein nevertheless my counsel's part will be the least; for I shall not, by the grace of God, trick up an innocency with cavillations; but plainly and ingenuously (as your lordships know my manner is) declare what I know or remember; thirdly, that, according to the course of justice, I may be allowed to except to the witnesses brought against me, and to move questions to your lordships for their cross examination, and likewise to produce my own witnesses for discovery of the truth: and lastly, if there come any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge that makes two thousand decrees and orders in a year (not to speak of the courses that have been taken for hunting out complaints against me); but that I may answer them, according to the rules of justice, severally and respectively. These requests, I hope, appear to your lordships no other than just. And so, thinking myself happy, to have so noble peers and reverend prelates to discern of my cause, and desiring no privilege of greatness for subterfuge of guiltiness; but meaning (as I said) to deal fairly and plainly with your lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and your persons; and rest "Your lordships' humble servant,

19th March, 1620 "Fr. St. Alban, Canc."

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The clerk, having read the letter, delivered the same to the Lord Chief Justice; who, by repetition, read the same also.

The Lord Bishop of Landaph admitted to speak for his defence of the accusation of Brocage, in a bribe intended to the Lord Chancellor, in Mr. Egerton's cause; shewed his grief, that he remained accused, arraigned, condemned, and executed, in dicta causa; for although he should (as he doubted not to do) clear himself, yet the scandal would not die. He shewed, that the party that accused him was the party grieved, a man weak and mad with affliction; as for the action whereof he was accused, he was but used therein; he was requested first by Francis Jenour, but refused; then by Tristram Woodward, and then he also denied it; at last the party himself requested him, at whose tears he yielded thus far, that the party (videlicet, Edward Egerton) might acknowledge unto him a recognizance of six thousand pounds; it was only acknowledged, not enrolled, nor intended to be enrolled; he was only trusted with it for Mr. Egerton's good; Davenport and others were to be the actors. That he discharged his trust accordingly, and delivered back the recognizance, though Davenport and others importuned him to the contrary. His aims in this action were two: the one, charity, to do Mr. Egerton good; the other, to prefer a beneficial suit to an honourable friend, to whom he owed his very life. If he had an eye to some private gain to himself, having wife and children, he had therein sinned against God, in not relying only on him for their maintenance, but no sum of the share of this six thousand pounds was ever purposed unto him. And upon a strict examination of his conscience herein, he protested before God, in whose council he stood, and before this honourable assembly, "qui estis Dii," inquit, that he was not to have one denier of a share therein.

The Lord Chamberlain moved, that, for the better consideration of this business, and how to proceed to the proofs, the court may be adjourned ad placitum, and the whole house sit as a committee. Whereupon the Lord Chief Justice removed to his place as an assistant.

After much debate thereof, the Lord Chief Justice, by direction, returned to the place of speaker, and it was agreed, that a message should be sent to the Lower House, by Mr. Attorney General and Sir William Bird, to declare unto the knights, citizens, and burgesses of the House of Commons, that the Lords have, according to the conference yesterday, taken consideration of the complaints by them made against the Lord Chancellor, and against the Lord Bishop of Landaph; that they find they have use of three letters written by the said Lord Bishop of Landaph, and of other writings (mentioned by them in their said complaint), and also of the testimony of two gentlemen, members of that house, videlicet, Sir George Hastings and Sir Richard Yonge. In taking of whose testimonies, the Lords intend not to touch the privileges of their house, but to have the same as of private persons, and not as members of that house, if cause shall require, upon the examination of the said abuses complained of.

Answer returned, that the said two gentlemen, Sir George Hastings and Sir Richard Yonge, will voluntarily, and not by commandment nor direction of their house, attend their lordships. That all letters, &c. required shall be sent accordingly. As for the general request, that the Lords may send for any other members of that house to be examined herein, they humbly pray that they may advise thereof.

Memorandum, that, during the time that the whole house sat as a committee as aforesaid, it was debated, and agreed, that the parties undernamed should also be sent for, to be sworn and examined in this business: videlicet,

Christopher Awbrey,	Tristram Woodward,
Ralph Merefill,	Francis Jenour,
Edward Egerton,	Randolph Davenport.

It was now also moved, and much disputed, whether Sir William Broncker and Sir Rowland Egerton (the two adversaries of Christopher Awbrey and Edward Egerton) should be sent for also, to be examined whether they gave any bribe on their part.

Moved by the Earl of Southampton, and agreed, that an answer should be

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sent to my Lord Chancellor's letter; whereupon message is sent to the Lord Chancellor, by Sir James Woolridge, to this effect: that the Lords received his lordship's letter, delivered unto them by the Lord Admiral; they intend to proceed in his cause (now before their lordships) according to the right rule of justice; and they shall be glad if his lordship shall clear his honour therein; to which end, they pray his lordship to provide for his defence.

Die Martis, videlicet, 20° die Martii, post meridiem, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentes fuerunt:

p. Carolus Princeps Walliæ, &c.
Archiepus. Cant. p. Jac. Ley, Miles et Bar. Ds. Capit.
p. Archiepus. Eborum. Justic. Locum tenens, &c.

Answer from the Lord Chancellor, by Sir James Woolridge: that the Lord Chancellor returns the Lords humble thanks for their lordships' assurance of justice in his cause, and well wishes to him of the success. The one secures, the other comforts him. That he intends to put their lordships in mind hereafter of some points contained in his lordship's letter, for that the same were not spoken of in the message delivered unto him.

Sir George Hastings, Knight, and Sir Richard Yonge, Knight, *jurati à voir dire* to all questions asked by the court, or committees, or by any authorized by the court, whether their answer be by word or set down in writing.

Edward Egerton was sworn *à voir dire*; and, being sworn, he delivered a petition, touching the proceedings in his cause in the Chancery; *cujus quidem tenor sequitur in hæc verba:*

"To the Right Honourable the Lords Spiritual and Temporal in this present Parliament assembled.

"The humble petition of Edward Egerton, Esquire.

"Humbly sheweth, that your petitioner, being unmarried, and sickly, by indenture of uses and other conveyances, entailed divers manors and lands in the counties of Chester and Stafford to the use of your petitioner, and the heirs males of his body; and, for default of such issue, to remain to Sir John Egerton and his heirs; which said conveyances were made voluntarily, without any consideration paid for the same, with power of revocation.

"That Sir John Egerton having, by deed executed in his lifetime, conveyed all his own lands unto Sir Rowland Egerton, his son and heir, and having advanced in marriage all his daughters, did make his last will and testament in writing, under his hand and seal, having first bound the said Sir Rowland in a statute of five thousand pounds, to perform his said will.

"That the said Sir John, by his last will, in general words, devised all his lordships, manors, lands, tenements, and hereditaments, to your petitioner and his heirs, and made your petitioner sole executor.

"By which said will, all the estate of the said Sir John, in any part of your petitioner's lands (if he had any estate therein, as indeed he had not), was lawfully devised to your petitioner and his heirs.

"That the said Sir Rowland Egerton unduly obtained of Sir John Bennett, Knight, letters of administration, to be granted unto two of his sisters, after the said will exhibited to be proved, whereby your petitioner was put to three thousand pounds charges in suits of law.

"That Sir Rowland Egerton hath also, by indirect means, gotten into his hands the said indenture of uses, and all your petitioner's other writings and evidences, and refuseth to let your petitioner to see the said indenture of uses, or to deliver to your petitioner a true copy thereof; albeit the same doth in law appertain to your petitioner.

"That the Lord Ellesmere, late Lord Chancellor of England, before the probate of the said will, did decree, that the said Sir Rowland shall have and enjoy the manor of Wrinehill and Heywood Barnes, being a great part of your petitioner's inheritance, worth six hundred pounds per annum, without any cause of equity contained in the said decree.

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"That your petitioner made humble suit unto the Right Honourable Francis Viscount St. Alban, now Lord Chancellor of England, to have the benefit of a subject, to recover his ancient inheritance, by the ordinary course of the laws.

"That the now Lord Chancellor took from your petitioner four hundred pounds of money in gold, and fifty-two pounds, ten shillings, in silver plate, which money was accepted by the said Lord Chancellor, saying, that your petitioner did not only enrich him, but also lay a tie upon his lordship to do your petitioner justice in his rightful cause.

"That afterwards the said Lord Chancellor sent for your petitioner, and did, by great oaths and protestations, draw your petitioner to seal an obligation to his lordship of ten thousand marks, to stand to his lordship's award, for all the lands whereof Sir John Egerton died seized only, but not for any other of your petitioner's lands.

"That afterwards your petitioner was divers times sent for by Robert Sharpeigh, then steward of his lordship's house; and your petitioner was several times offered, that, if your petitioner would then presently pay eleven hundred pounds in ready money; that is to say, a thousand pounds for his lordship, and a hundred pounds for the said Sharpeigh, that then your petitioner would have all his lands decreed unto him, which your petitioner could not then presently pay in ready money.

"That afterwards the said Lord Chancellor did not only confirm unto the said Sir Rowland the lands which he then held of your petitioner's inheritance, being worth six hundred pounds per annum; but the said Lord Chancellor did also take away from your petitioner more lands, worth fifteen thousand pounds, and decreed the same also unto the said Sir Rowland Egerton, who did not make any title thereunto before the said bond taken, and before the said unlawful decree made. And the said Lord Chancellor did also decree, that the said bond of ten thousand marks, made by your petitioner to the said Lord Chancellor, in his lordship's own name, should be set over and delivered to the said Sir Rowland Egerton, who should sue the same in the Lord Chancellor's name, and recover upon the same to his own use.

"And the said Lord Chancellor did further decree, that your petitioner shall not take benefit of the statute of five thousand pounds, made by the said Sir Rowland to perform the said will; and your petitioner is restrained, by the said decree, from the benefit of a subject, to recover his right, by the ordinary course of the common law, without any cause of equity set forth in the said decree.

"That your petitioner having spent six thousand pounds in suit of law, and being deprived of all his said evidences, and being utterly impoverished by the evil dealing of the said Lord Chancellor, and by the indirect practices of the said Sir Rowland, is likely to be utterly defrauded of all his ancient inheritance, contrary to the common justice of the land, except he may be relieved herein by this high court of parliament.

"Your petitioner humbly prayeth, that the said Sir Rowland Egerton may be ordered to produce, and bring forth upon oath, all such indentures of uses, writings, and evidences, as he hath, or any other hath to his use, concerning your petitioner's said lands, and whereby he claimeth any estate in your petitioner's lands, to the end your honours may judge thereof, and to do therein further as to your grave wisdoms shall seem to stand with justice."

The which petition being read, and affirmed by the said Edward Egerton, upon his oath, to be true; the said Edward Egerton was examined also in open court.

Robert Sharpeigh, Esquire, was also sworn, and examined in open court.

[From the Tract.]

Mercurii, 21st Martii, 1620.—Sir Robert Philips reports from the committee to examine Keeling and Churchill, who informed of many corruptions against my Lord Chancellor. 1. In the cause between Hull and Holman: Hull gave or lent my lord 1000*l.* since the suit began. 2. In the cause between Worth

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and Mannering there were 100 pieces given, of which Hunt had 20*l.* S. Hoddy gave a jewel, which was thought to be worth 500*l.* but he himself said it was a trifle of 100*l.* or 200*l.* price; it was presented to my Lord Chancellor by Sir Thomas Peryn and Sir Henry Holmes. 4. In the cause between Peacock and Reynell, there was much money given on both sides. 5. In the case of Barker and Bill; Barker said he was 800*l.* in gifts since his suit began. 6. In the case between Smithwick and Walsh; Smithwick gave 300*l.* yet my lord decreed it against him, so he had his money again by piecemeal. In this and other cases my lord would decree part; and when he wanted more money, he would send for more money, and decree another part. In most causes my lord's servants have undertaken one side or another, insomuch as it was usual for counsel, when their clients came unto them, to ask what friend they had at York House.

Mr. Meawtys. Touching the persons that inform, I would entreat this honourable house to consider, that Keeling is a common solicitor, (to say no more of him;) Churchill a guilty register by his own confession. I know that fear of punishment, and hopes of lessening it, may make them to say much, yea, more than is truth. For my own part, I must say, I have been an observer of my lord's proceedings; I know he hath sown a good seed of justice, and I hope that it will prove, that the envious man hath sown these tares. I humbly desire that those generals may not be sent up to the lords, unless these men will testify them in particular.

Ordered,

That a message be sent to the lords by Sir Robert Philips to relate the case of the Lady Wharton, and the informations of Churchill.

Sir Robert Philips reports from the lords, that they acknowledged the great care of this house in these important businesses; thanks for the correspondence of this house with them, assure the like from them for ever to this house. In these and all other things will advise, and return answer as soon as possible. Then adjourned.

[From the Journals.]

March 21; 18th James. Hull and Holman.—Sir R. Philips. Another case; Hull and Holman. Holman, refusing to answer, committed; there lay twenty weeks: after required to answer, and to give bond of 20,000*l.* to stand to my Lord Chancellor's order in it. That one Manby, about the Exchange, dealt in this business with Mr. Mewtys. That Holman, finding his order vary, resolved to complain to this house. That, upon Friday last, my lord sent for Hull and Holman; offered to make an indifferent end between them: and that Holman told Keeling, he was an happy man now, he could have any thing from my Lord Chancellor.

March 21; 18th James. Smythwicke.—The other case, between Smythwicke and ——— Smythwicke was told, he must use some good way: came to Mr. Yong; promised my lord 200*l.* so as the certificate might be decreed: dealt after with Burrowes: he undertook to move my lord. He heard the cause: part of the award decreed. The 200*l.* paid. That, unless my lord might have 100*l.* more, no further proceeding. That Smythwicke brought Burrowes 70*l.* part of the 100*l.* The cause yet deferred. Brought the other 30*l.* to Hunt, who, Burrowes said, had most part of the money. The former part of the decree now again questioned, Smythwicke demanded his money.

Hunt. That he had disbursed it for my lord, and given my lord accounts for it. Hunt advised Smythwicke to petition my lord, to have leave to sue Hunt for this money. That Hunt promising the re-payment of the money.

That he received, from Boroughe and Hunt, all his money again, but 20*l.* which kept from him a year, and then repaid him by Hunt.

Mercurii, 21st Martii; 18th Jacobi. Lady Wharton.—Sir Robert Philips. That Gardyner's man affirmeth, that, three days before the hearing of the cause, the Lady Wharton put 100*l.* in a purse, went to Yorke House, and, as she said after, gave it my lord. That, in ——— after, she put 200*l.* more into a purse,

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and took the money from Gardener at Yorke House, went in to my lord, and, as she said, delivered it to my lord; and had after presently the decree.

For the general: time given to him, to set down in writing, against to-morrow morning, the particulars he knoweth.

For the particular: Churchill, that, before October was twelvemonth, an order for dismission on both parts: the day after, Churchill, Lady Wharton took him in her coach, carried him to Yorke House: there she spake with my lord. Thereupon Churchill ordered to stay the dismission of Lady Wharton, but to suffer the other to stand. A decree upon this.

Keeling, examined, confesseth that, near about passing this decree, took 100*l.* made Keeling write down the words she should use to my lord, at her presenting it. 100*l.* delivered in a purse, of her own working. This decree made *de bene esse*. Made in October; but stayed till about June after, even till she paid my Lord Chancellor 200*l.* more. That Shute persuaded Lady Wharton to confer the land upon my Lord Chancellor: that she would not yield, till had spoken with Keeling. Shute persuaded Keeling; who would not yield without a power of revocation. That, upon this, the composition of 300*l.* followed.

Keeling let fall words, that he had left Yorke House, upon the general corruption he found there, and the altering of divers agreements had been there made.

Keeling saith, he soliciting a cause between Sir John Trevor and Askew; where six injunctions, &c. and, for a final end, Sir John Trevor gave my lord 100*l.* by Sir Richard Yonge's hands. Five pieces for a day of hearing last Michaelmas term: Clayton a monopoly of this. 40*s.* for an hearing; 3*l.* and 4*l.* for an injunction.

That this petition hath brought forth a copy of another petition.

Sir Richard Yong: That, in Christmas holidays, a man of Sir John Trevor's brought him a letter to my lord, and a cabinet; which he delivered my lord openly, and delivered it to my lord.

Sir Edward Coke: Strange to him, that this money should be thus openly delivered; and that one Gardyner should be present at the payment of the 200*l.*

Sir Robert Philips, after these things, set down by Churchill and Keeling, shall be presented, and heard in this house, Sir Robert Philips shall, at the lords' next sitting, deliver these things to the lords.

Sir Robert Philips to deliver to the lords, this afternoon, three letters from Landaphe to Edward Egerton; three copies of letters from Awbrey to the Lord Chancellor; a copy of the recognizance of 10,000*l.* and of a defeazance; and divers orders, and one under seal, *De executione ordinis;* to be presented to the lords; and all other writings, Sir Robert Philips hath.

A paper of direction delivered in from Churchill: which read.

Which sent to the lords by Sir Robert Philips; but they were risen before, and so the messenger returned.

Mr. Mewtys: Keeling a common solicitor, Churchill a guilty register. Fear of punishment, and hope to escape, may make them speak untruly.

That a servant to my lord; an eye and ear-witness, for four years. That, in this time, my lord hath sown much good seed of justice; and that only the envious man hath sown the tares. Moveth, whether this general accusation fit to be sent up to my lords, without particular application.

Sir Robert Philips: That this fit for the lords now.

[From the Journals.]

Die Mercurii, videlicet, 21st die Martii.—Edward Egerton, upon humble suit, was admitted to deliver the names of these witnesses he desired to have sworn and examined touching his cause.

Witnesses sworn in open court, *in causa Domini Cancellarii:*

Sir George Reynell, knt.	Sir Thomas Peryn, knt.
George Hull, Mercer of London.	John Hunt.
Sir Henry Helmes, knt.	Edward Sherburne.

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William Peacocke.	Robert Barker.
Robert Pye.	Thomas Mewtys.
Richard Keeling.	George Norbury.
Anthony Gardiner.	Thomas Bowker.
Bouham Norton.	Frauncis Kinge.

Memorandum—Forasmuch as the examinations of these witnesses would require much time, it was agreed, that the committees should transmit the names of some of the principallest of them, and the heads whereupon they were to be examined, and the examinations to be taken in open court.

The form of the oath agreed upon:

"You shall swear, that you shall true answer make to all such questions and interrogatories as shall be mentioned unto you by this high court, or by the lords the committees, or by any person or persons authorized by this high court. You shall say the truth, the whole truth, and nothing but the truth; and you shall not spare to do so, neither for fear, favour, affection, or any other cause whatsoever; whether your depositions be in writing or by word of mouth. So help you God, and the contents of this book."

Interrogatories to be ministred to them that shall be so transmitted to be examined in open court:

"1. Whether they, by themselves, or any other person, have given money, or other gratuity, to the Lord Chancellor, or to any other servants, friends, or follower of his?

"2. Whether they have advised or directed any so to do, or known of any other that hath so done?

"3. Whether they, or the parties which they advised so to do, or have heard so to have done, had then any cause or suit depending before him, or intended to have any?

"4. Whether they have intended, attempted, or known others that have attempted or contracted for any gratuity, so to be given, though not performed?"

Sir George Renell examined in open court.

He did also set down his knowledge of bribes given by him to the Lord Chancellor, in writing under his hand, and delivered the same upon his oath.

Ordered—No witnesses to be examined what they received themselves, but only what bribes were given to the Lord Chancellor.

Message from the lower house, by Sir Robert Philips and others:

Moved, That the Lord Chief Justice should not relate the message unto the house until the prince be present, who was desirous to hear the same.

Answer to the commons in the mean time, that the lords take notice of the great care and industry used (by the lower house) in the search and examination of these great grievances now complained of; for which they give them hearty thanks, and will hold correspondence with them therein, as is desired. And, when the lords are resolved of the recess of this parliament, and when to meet again; notice thereof shall be given, as they likewise desire.

Thomas Mewtys examined in open court, touching bribes given to the Lord Chancellor, * Oath; he desired respite until to-morrow, to set down in writing his full knowledge herein upon his oath.

John Hunt examined also in open court, touching the same, and required to set the same down in writing under his hand and upon oath, and deliver the same in open court to-morrow morning.

Edward Shereburne examined in open court; and Memorandum, the said Edward Shereburne was admitted to explain himself upon his former examination; which being done, he also was required to set down in writing his knowledge therein, and deliver the same in open court to-morrow morning, signed with his own hand.

Randolph Davenport examined in open court.

Robert Barker examined in open court, touching the same; and ordered to

* Sic in Origin.

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set down his full knowledge therein in writing, under his hand, and deliver the same in open court to-morrow morning.

Dominus capitalis justiciarius, locum tenens Domini Cancellarii, declaravit præsens parliamentum continuandum esse usque in diem crastinum, videlicet, diem Jovis, 22 Martii, Dominis sic decernentibus.

[From the Journals.]

Die Jovis, videlicet, 22nd die Martii, Domini tam spirituales quam temporales, quorum nomina obscribuntur, præsentes fuerunt :

p. Carolus Princeps Walliæ, etc.

Archiepus. Cant.	p. Jac. Ley, Miles et Bar. Ds.
p. Archiepus. Eborum.	Capit. Justic. Locum tenens,
Epus. London.	&c.

Jurati in causa Domini Cancellarii : videlicet,

Richard Scott.	Thomas Manwood.
Thomas Taylor.	Sir Jo. Fynnett.
Sir Edward Fisher.	Sir Eubulo Thelwall.
Philip Hollman.	John Hankey.
Henry Manley.	John Yong.
Arthur Blackmore.	William Hatcher.
James Rolphe.	

The Lord Chief Justice related the message delivered yesterday from the lower house, by Sir Robert Philips and others :

The which consisted of two parts : the one of matter of respect, the other of substance.

In the one, they acknowledged the good correspondence between both the houses, especially in the examination of the grievances complained of, and presented to the lords ; with humble thanks for the supply the lords added to their labours, in giving the oath unto the examinants, which they cannot do. They humbly desire to know the time of the recess of this parliament, and of the access again, as they may accordingly depart and meet again at the same time their lordships shall.

The second, being matter of substance, consisted of four points objected against the Lord Chancellor.

1. The first, a suit in the chancery being between the Lady Wharton, plaintiff, and Wood and others, defendants, upon cross bills ; the Lord Chancellor, upon hearing, wholly dismissed them. But, upon the entry of the order, the cross bill against the Lady Wharton was only dismissed. And afterwards, for a bribe of 300*l.* given by the Lady Wharton to the Lord Chancellor, his lordship decreed the cause for her ; and then, hearing that Wood and the other defendants complained thereof to the commons, his lordship sent for them, and damned that decree, as unduly gotten ; and, when the Lady Wharton began to complain thereof, his lordship sent for her also, and promised her redress, saying, " That decree is not yet ended."

Secondly, in a suit, between Hull, plaintiff, and Hollman, defendant, Hollman, deferring his answer, was committed to the Fleet, where he lay twenty weeks, and, petitioning to be delivered, was answered by some about the Lord Chancellor, the bill shall be decreed against him (*pro confesso*), unless he would enter into 2000*l.* bond to stand to the Lord Chancellor's order ; which he refusing, his liberty cost him, one way and other, better than 1000*l.* Hollman being freed out of the Fleet, Hull petitioned to the Lord Chancellor, and Hollman, finding his cause to go hard on his side, complained to the commons ; whereupon the Lord Chancellor sent for him, and, to pacify him, told him, he should have what order he would himself.

Thirdly, in the cause between Smithwick and Wyche, the matter in question being for accompts ; the merchants, to whom it was referred, certified on the behalf of Smithwick ; yet Smythwicke, to obtain a decree in his cause, was told by one Mr. Borough (one near the Lord Chancellor), that it must cost him

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200*l.* which he paid to Mr. Borough, or Mr. Hunt, to the use of the Lord Chancellor; and yet the Lord Chancellor decreed but one part of the certificate; whereupon he treats again with Mr. Borough, who demanded another 100*l.* which Smithwycke also paid, to the use of the Lord Chancellor; then his lordship referred the accompts again to the same merchants, who certified again for Smithwycke; yet his lordship decreed the second part of the certificate against Smithwycke, and the first part (which was formerly decreed for him) his lordship made doubtful. Smithwycke petitioned to the Lord Chancellor for his money again, and had it all, save 20*l.* kept back by Hunt for a year.

The Lord Chief Justice also delivered the three petitions, which his lordship received yesterday from the commons; the first by the Lady Wharton; the second by Wood and Pargitor and others; the third by Smithwycke.

Fourthly, the fourth part of the message consisted only of instructions delivered to the commons by one Churchill, a register, containing divers bribes and abuses in the chancery, which the commons desire may be examined.

Robert Barker delivered his depositions in writing, under his hand, of a bribe given by him to the Lord Chancellor; which was read, and he dismissed from further attendance.

John Hunt also delivered his deposition, signed with his hand, touching bribes given to the Lord Chancellor; which was read, and he dismissed from further attendance.

Edward Shereborne delivered his depositions also, signed with his hand, touching bribes given to the Lord Chancellor; which was read, and he commanded to attend.

William Peacock delivered his deposition, signed with his hand, which was read; but, for that it was not so full as he delivered it yesterday in court, the same was delivered to him again, to add his further knowledge therein, and also to set down what security he had from the Lord Chancellor for repayment of the 1000*l.* which he lent his lordship, and the time of repayment thereof, and the use (if any) to be answered for the same; and to set down whether he had spoken with any of the Lord Chancellor's servants since he was examined yesterday, and what the conference was. He confessed he had spoken since with Edward Shereborne.

The confession and instructions of John Churchill touching bribery and corruption of the Lord Chancellor was read:

And memorandum, that presently upon the reading thereof the said confession and instructions, together with the three petitions sent from the commons, were delivered to the lords' committees appointed to examine the same.

Upon the motion of Lord Houghton for precedents to be produced touching judicature, attestations, and judgments, anciently used in the high court of parliament.

It was ordered, that a committee of a small number should presently take care for the search thereof amongst the records remaining in the Tower, or elsewhere; copies of the same to be also certified under the officer's hands.

The names of the committees:

E. of Huntingdon.
E. of Warwick.
L. Haughton.

Memorandum, the clerk made a warrant, under his hand, to all officers, to permit the said lords' committees to make search, amongst the said records, and the officers to subscribe notes or copies thereof, without fee.

In causa Domini Cancellarii, jurati fuerunt:

Peter Vanlor.	John Herne.
George Morgan.	Lady Dorothy Wharton.

[From the Journals.]

Die Veneris, videlicet, 23d die Martii.—It was also agreed, that the three former committees, or any two lords of either of the said committees, appointed

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to examine witnesses (in causa Domini Cancellarii), may, from time to time hereafter, examine any witnesses touching the said cause, between the recess and access.

Jurati in causa Domini Cancellarii:

Sir Robert Bassett, knt.	John May.
Francis Broad.	John Haward.
James Kennedie.	Richard Burrell.

Edward Shereborne having been divers times examined (in causa Domini Cancellarii, prout antea), is licensed to depart, but to attend again upon new warning.

The petition of Edward Egerton was read, whereby he humbly desired, Sir Rowland Egerton to be ordered forthwith to produce upon oath certain indentures and writings, unduly gotten from the petitioner.

Ordered, ex motione Domini Sheffeild, this petition to remain with the clerk, until the corruption and bribery complained of be determined, and then the lords will take it into their consideration.

In causa Domini Cancellarii:

Sir Ralph Hansby, knt. sworn.

The Earl of South'ton shewed, that the said Sir Ralph Hansby, being examined by his lordship and others of a bribe of 500*l.* given by himself to the Lord Chancellor, that the said Sir Ralph made a doubt whether his answer thereunto might not be prejudicial to his cause. Wherefore their lordships' resolution herein was required; whether the said Sir Ralph should be urged to make his answer hereunto or no.

After long debate of this matter, it was ordered, that the examinations taken in this court should not be hereafter used in any other cause, nor in any other court.

And although divers of the lords were of opinion, that the parties' confession of the giving of a bribe should not be prejudicial at all unto him; yet divers doubted thereof.

Whereupon it was put to the question, whether the said Sir Ralph shall be examined what gift or reward he hath given to the Lord Chancellor; it was agreed, he should be examined thereupon.

The lords' committees appointed yesterday to search for precedents, videlicet, the Earl of Huntingdon, the Earl of Warwick, and the Lord Haughton, returned from the Tower.

The Earl of Huntingdon made report of their search and view of the records; and the Earl of Warwick read the heads of the precedents, and then delivered the notes taken out of the records, and signed by the officer, unto the clerk, to be kept.

25th March.

To the Marquis of Buckingham.

My very good lord,

Yesterday I know was no day; now I hope I shall hear from your lordship, who are my anchor in these flouds. Meanwhile to ease my heart, I have written to his majesty the inclosed, which I pray your lordship to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship. Yours ever, &c.

25th March, 1621. FR. ST. ALBAN, Canc.

To the King.

It may please your most excellent majesty,

Time hath been, when I have brought unto you *Gemitum Columbæ* from others, now I bring it from myself. I fly unto your majesty, with the wings of a dove, which once within these seven days, I thought would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come upon me. I have been (as your majesty knoweth best)

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never author of any immoderate counsel, but always desired to have things carried *suavibus modis*. I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man, in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be? For these are the things that used to raise dislikes abroad.

For the house of commons, I began my credit there, and now it must be the place of the sepulture thereof; and yet this parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the upper house, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true streight-line of nobleness, without any crookes or angles.

And for the briberies and gifts, wherewith I am charged, when the books of hearts shall be opened, I hope, I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore, I am resolved, when I come to my answer, not to trick my innocency, (as I writ to the lords) by cavillations, or voydances; but to speak to them the language, that my heart speaketh to me, in excusing, extenuating, or ingenuously confessing: praying to God to give me the grace to see the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience, than is cause. But not to trouble your majesty any longer, craving pardon for this long mourning letter; that which I thirst after, as the hart after the streams, is, that I may know, by my matchless friend that presenteth to you this letter, your majesty's heart (which is an abyssus of goodness as I am an abyssus of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as clay in your majesty's gracious hands,

FR. ST. ALBAN, Canc

27th March.—On the 27th of March both houses adjourned till the 17th of April.

During this recess there was a private interview between the King and the Lord Chancellor.

This appears, 1st, from an entry in the journals of the house of lords; 2dly, from a statement by Mr. Bushel; and, 3dly, from a letter written after the interview.

The following is the extract from the journals of the house of lords of April 17.

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his majesty, that he might see his majesty and speak with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house his majesty would not on the sudden grant it.

That, on Sunday last, the king calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships advice therein.

The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who past so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and

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clear to those things objected against him, his lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full, and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

Unto all which his majesty's answer was, he referred him to the lords of this house, and therefore his majesty willed his lordship to make report to their lordships.

It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thankfully acknowledge this his majesty's favour, and hold themselves highly bound unto his majesty for the same.

Account given by Mr. Bushel.

The following is the account given by Mr. Bushel. Having mentioned his lord's design of proposing several projects to the parliament for the public service, he then proceeds thus: "Before this could be accomplished to his own content, there arose such complaints against his lordship, and the then favourite at court, that for some days put the king to this quere, whether he should permit the favourite of his affection, or the oracle of his council, to sink in his service; whereupon his lordship was sent for by the king, who, after some discourse, gave him this positive advice, to submit himself to his house of peers, and that (upon his princely word) he would then restore him again, if they (in their honours) should not be sensible of his merits. Now, though my lord saw his approaching ruin, and told his majesty there was little hopes of mercy in a multitude, when his enemies were to give fire, if he did not plead for himself: yet such was his obedience to him from whom he had his being, that he resolved his majesty's will should be his only law, and so took leave of him with these words, Those that will strike at your chancellor (it is much to be feared), will strike at your crown, and wished, that as he was then the first, so he might be the last of sacrifices. Soon after, (according to his majesty's commands) he wrote a submissive letter to the house, and sent me to my Lord Windsor to know the result, which I was loth, at my return, to acquaint him with; for alas! his sovereign's favour was not in so high a measure, but he (like the phœnix) must be sacrificed in flames of his own raising, and so perished (like Icarus) in that his lofty design. The great revenue of his office being lost, and his titles of honour saved but by the bishops' votes, whereto he replied, that he was only bound to thank his clergy; the thunder of which fatal sentence did much perplex my troubled thoughts, as well as others, to see that famous lord, who procured his majesty to call this parliament, must be the first subject of their revengeful wrath, and that so unparalleled a master should be thus brought upon the public stage, for the foolish miscarriage of his own servants, whereof (with grief of heart) I confess myself to be one. Yet shortly after, the king dissolved the parliament, but never restored that matchless lord to his place, which made him then to wish, the many years he had spent in state policy and law study, had been solely devoted to true philosophy: for, (said he) the one, at the best, doth but comprehend man's frailty, in its greatest splendour; but the other, the mysterious knowledge of all things created in the six days' work." (*a*)

(*a*) This note is divided into two parts. *First*, Some Account of Bushel. *Secondly*, Observations upon the Account given by Bushel.

I. Some Account of Bushel.

Mr. Bushel's Abridgment of Lord Chancellor Bacon's Philosophical Theory of Mineral Prosecutions. London: printed in the year 1659.

It was the custom, in the time of Lord Bacon, for young men of property to attach themselves, as pages, to noblemen of eminence. It appears that Mr.

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Lord Bacon's Letter to the King.

It may please your most excellent majestie,—I think myself infinitely bounden to your majestie, for vouchsafing me accesse to your royal person, and to touch the hemme of your garment. I see your majestie imitateth him that would not break the broken reede, nor quench the smoking flax; and as your

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Bushel, who had large property at Eustone, near Oxford,* was, when he was fifteen years old, admitted into the family of Lord Bacon, and that he was under great obligation to him. Bushel's words are "his acceptance of me for his servant at fifteen years of age upon my own address, his clearing all my debts three several times with no smaller sum in the whole than 3000*l.* his preferring me in marriage to a rich inheritrix, and thereupon not only allowing me 400*l.* per annum, but to balance the consent of her father in the match, promised upon his honour to make me the heir of his knowledge in mineral philosophy.

Aubrey, in his anecdotes, when describing the walks at Gorhambury, says, "Here his lordship much meditated, his servant Mr. Bushel attending him with his pen and ink-horn to set down present notions."

He was born about 1602, and was, therefore, in 1620, at the time of Lord Bacon's fall, about eighteen years old: and about twenty-six, in 1626, when Lord Bacon died.

After the death of Lord Bacon Bushel retired to the Isle of Man, as he relates in his own work, and as is thus stated in Wood's History of the Isle of Man.

"This island (the Isle of Man) is said to have been the retreat of two hermits, one of whom, in the reign of Queen Elizabeth, murdered a beautiful woman in a sudden fit of jealousy, and spent the remainder of his life in solitude, penance, and the severest mortifications; the other, Thomas Bushel, in the reign of James, made it his abode for only a few years. A supposed letter of his still extant is to this effect.

"'The embrions of my mines proving abortive by the fall and death of Lord Chancellor Bacon, were the motives which persuaded my pensive retirement to a three years' solitude in the desolate isle, called the Calf of Man, where, in obedience to my dear lord's philosophical advice, I resolved to make a perfect experiment upon myself for the obtaining a long and healthy life, most necessary for such a repentance as my former debauchedness required, by a parsimonious diet of herbs, oil, mustard, honey, with water sufficient, most like to that of our long lived fathers before the flood, as was conceived by that lord, which I most strictly observed, as if obliged by a religious vow, till Divine Providence called me to a more active life.'"

As this tract was published in 1659, he was then near sixty years of age, as is explained in part of the tract, viz.

In the address to the reader, in the beginning of this tract, he says: "But now seriously considering that the taper of my life burns in the socket (I having already numbered twelve lustres of years)," and as by a lustre I understand five years, I conclude therefore that Bushel was sixty years in 1659.

Bushel always speaks of Lord Bacon in terms of the most grateful respect. With such expressions as the following his work abounds, "*My old master, the Lord Chancellor Bacon, would often say,* &c." Again, "*Dedicated by my obliged gratitude to my Lord Bacon.*"

He died at the age of eighty in 1684.

He lay sometime at Captain Norton's, in the gate at Scotland Yard, where he died seven years since (now 1684) about eighty ætat. Buried in the little cloysters at Westminster Abbey, somebody put B. B. upon the stone (now, 1787, all new paved).—Awbrey, 260.

* See Plot's History of Oxfordshire.

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majestie imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majestie's grace and mercy, and next to my lords I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which when I shall receive, I shall without figg leaves or disguise excuse what I can excuse, extenuate what I can ex-

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II. Observations upon the Account given by Bushel.

The author of Bacon's Life, in the Biographia Britannica, says, "We have a long and formal detail of this matter, from one who might certainly be presumed to know a great deal of it: viz. Mr. Bushel, who was his lordship's servant at that time, and who having ruined himself by engaging in the working of mines, upon pretence of following his lord's philosophical theory on that subject, endeavoured, while a prisoner in the Fleet, to apologize for his own conduct, by publishing a speech, which he asserts his master intended to have made to that parliament in which he was undone, upon this subject, and for procuring the establishment of a Royal Academy of Sciences, on the plan delivered in a work of his, entitled, his New Atlantis, which speech of his, though it may contain some thoughts of Lord Bacon's, *is allowed by the learned Dr. Tenison to be in a great measure fictitious, and not only unworthy of that noble person, but such as it was impossible for him to have drawn.* It is at the close of this speech, and in order to account for its not being spoken, that Mr. Bushel mentions his master's fall, which, he says, intervened before it could be spoken, and thereupon undertakes to give us all the circumstances of that extraordinary event from his own knowledge, which, if it could be depended upon, must be admitted to be a thing extremely worthy our notice: but I at present produce it with a view to gratify the inclination of the ingenious reader, of seeing whatever has been advanced on this subject on either side. In this light too, Mr. Bushel's account is a matter of some consequence, since it is the fullest and most circumstantial that has been hitherto given.

"Bushel was a very strange man, and has told so many improbable stories of his master, and so many silly ones of himself, that what he says deserves no credit, farther than as it agrees with other evidence."—Tenison's Account of Lord Bacon's Works, p. 97.

What authority there is for the assertion in the parts underlined, the reader may judge, by an examination of the observations in Archbishop Tenison's work, which is annexed. But that Archbishop Tenison did not doubt the correctness of Bushel's statement, appears from the following passage in the Archbishop's Baconiana.

"The great cause of his suffering, is to some, a secret. I leave them to find it out, by his words to King James, 'I wish (said he) that as I am the first, so I may be the last of sacrifices in your times.' And when from private appetite, it is resolved, that a creature shall be sacrificed; it is easie to pick up sticks enough, from any thicket whither it hath straid, to make a fire to offer it with."

But even if he had entertained doubts, we must judge by one of the fundamental rules in all reasoning. Is it most probable that Bushel should, at the age of sixty years, have invented this anecdote, or that it is true?

The following is the passage in Archbishop Tenison's work, to which the editor of the Life, in the Biographia Britannica, refers.

Archbishop Tenison, in his account of Lord Bacon's works, says: "There is annexed a certain speech touching the recovery of drowned mineral works, prepared, as Mr. Bushel saith, for that parliament under which he fell. His lordship, no doubt, had such a project; and he might prepare a speech also, for the facilitating of it. But that this is a true copy of that speech, I dare not avouch. His lordship's speeches were wont to be digested into more method; his periods were more round, his words more choice, his allusions more frequent, and managed with more decorum. And as no man had greater command of words, for the illustration of matter, than his lordship; so here he had matter which refused not to be clothed in the best words."

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tenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I mought conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majestie's grace, I rest.—20th April, 1621.

A Speech touching the recovering of Drowned Mineral Works, prepared for the Parliament (as Mr. Bushel affirmed) by the Viscount of St. Albans, then Lord High Chancellor of England.

My lords and gentlemen,—The king, my royal master, was lately (graciously) pleased to move some discourse to me concerning Mr. Sutton's Hospital, and such like worthy foundations of memorable piety: which humbly seconded by myself, drew his majesty into a serious consideration of the mineral treasures of his own territories, and the practical discoveries of them by way of my philosophical theory: which he then so well resented, that, afterwards, upon a mature digestion of my whole design, he commanded me to let your lordships understand, how great an inclination he hath to further so hopeful a work, for the honour of his dominions, as the most probable means to relieve all the poor thereof without any other stock or benevolence, than that which Divine bounty should confer on their own industries and honest labours, in recovering all such drowned mineral works as have been, or shall be, therefore, deserted.

And, my lords, all that is now desired of his majesty and your lordships, is no more than a gracious act of this present parliament to authorize them herein, adding a mercy to a munificence, which is, the persons of such strong and able petty-felons, who, in true penitence for their crimes, shall implore his majesty's mercy and permission to expiate their offences by their assiduous labours, in so innocent and hopeful a work.

For, by this unchangeable way (my lords) have I proposed to erect the academical fabric of this island's Salomon's House, modelled in my New Atlantis. And I can hope (my lords) that my midnight studies to make our countries flourish and outvy European neighbours in mysterious and beneficent arts, have not so ingratefully affected the whole intellects, that you will delay or resist his majesty's desires, and my humble petition in this benevolent, yea, magnificent affair; since your honourable posterities may be inriched thereby, and my ends are only, to make the world my heir, and the learned fathers of my Salomon's House, the successive and sworn trustees in the dispensation of this great service, for God's glory, my prince's magnificence, this parliament's honour, our countries general good, and the propagation of my own memory.

And I may assure your lordships, that all my proposals in order to this great architype, seemed so rational and feasable to my royal sovereign, our Christian Salomon, that I, thereby, prevailed with his majesty to call this honourable parliament, to confirm and impower me in my own way of mining, by an act of the same, after his majesty's more weighty affairs were considered in your wisdoms; both which he desires your lordships, and you gentlemen that are chosen as the patriots of your respective countries, to take speedy care of: which done, I shall not then doubt the happy issue of my undertakings in this design, whereby concealed treasures, which now seem utterly lost to mankind, shall be confined to so universal a piety, and brought into use by the industry of converted penitents, whose wretched carcases the impartial laws have, or shall dedicate, as untimely feasts, to the worms of the earth, in whose womb those deserted mineral riches must ever lie buried as lost abortments, unless these be made the active midwives to deliver them. For, my lords, I humbly conceive them to be the fittest of all men to effect this great work, for the ends and causes which I have before expressed.

All which, my lords, I humbly refer to your grave and solid judgments to conclude of, together with such other assistances to this frame, as your own oraculous wisdom shall intimate for the magnifying our Creator, in his inscrutable Providence, and admirable works of nature.

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Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

That howsoever it goeth with me, I think myself infinitely bound to his majesty for admitting me to touch the hem of his garment; and that, according to my faith, so be it unto me. That I ought also humbly to thank his majesty for that, in that excellent speech of his, which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages which I do construe to my advantage.

And lastly, that I have heard from my friends, that notwithstanding these waves of information, his majesty mentions my name with grace and favour.

In the next place, I am to make an oblation of myself into his majesty's hands, that, as I wrote to him, I am as clay in his hands, his majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes; and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction, knowing that his heart is inscrutable for good. Only I may express myself thus far, that my desire is, that the thread, or line, or my life, may be no longer than the thread, or line of my service: I mean, that I may be of use to your majesty in one kind or other.

Now for any further speech, I would humbly pray his majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your majesty will understand it to be in such sort, as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune.

For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves, or subterfuges.

There be three degrees or cases, as I conceive, of gifts and rewards given to a judge.

The first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought when I pronounced any sentence or order.

The second is a neglect in the judge to inform himself, whether the cause be fully at an end, or no, what time he receives the gift; but takes it upon the credit of the party that all is done, or otherwise omits to inquire.

And the third is, when it is received *sine fraude*, after the cause ended, which it seems by the opinion of the civilians is no offence. Look into the case of simony, &c.

Draught of another paper to the same purpose.

There be three degrees or cases of bribery, charged or supposed in a judge:

The first, of bargain or contract, for reward to pervert justice.

The second, where the judge conceives the cause to be at an end, by the information of the party, or otherwise, and useth not such diligence as he ought to inquire of it. And the third, when the cause is really ended, and it is *sine fraude*, without relation to any precedent promise.

Now if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocent's day in my heart. For the second, I doubt in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent; once for the fact, and again for the error. For I had rather be a briber, than a defender of bribes.

I must likewise confess to your majesty, that at New-year's tides, and likewise at my first coming in (which was, as it were my wedding), I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me yea or no. And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly. And all this

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while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summorum* with me is, that I may not be made altogether unprofitable to do your majesty's service or honour. If your majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivré* to bear the rest. And, to tell your majesty what my thoughts run upon, I think of writing a story of England, and of recompiling of your laws into a better digest.

But to conclude, I most humbly pray your majesty's directions and advice. For as your majesty hath used to give me the attribute of care of your business, so I must now cast the care of myself upon God and you.

17th April.

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his majesty, that he might see his majesty and speak with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house his majesty would not on the sudden grant it.

That, on Sunday last, the king calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships' advice therein.

The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who past so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and clear to those things objected against him, his lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full, and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

Unto all which his majesty's answer was, he referred him to the lords of this house, and thereof his majesty willed his lordship to make report to their lordships.

It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thankfully acknowledge this his majesty's favour, and hold themselves highly bound unto his majesty for the same.

Jurati in causa Domini Cancellarii:

Sir Thomas Middleton, Knt.	Thomas Knight.
Edmond Phellipps.	Thomas Hasellfoote.
John Bawbury.	Henry Ashton.
Thomas Foones.	Raphe Moore.
John Parkinson.	Robert Bell.
Gabriel Sheriff.	William Spyke.
Jo. Kellett.	Richard Peacock.
William Compton.	Christopher Barnes.
Jo. Childe.	

Agreed the Lords' committees to prepare the examinations against the Lord Chancellor.

Moved by the Lord Hunsdon, and ordered by the house, that the Lord Chief Justice do every morning, before the adjournment of the court, cause the names of the Lords' committees, appointed to meet that day in the afternoon, to be read by the clerk.

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Moved by the Earl of Arundel, that the three several committees, *in causa Domini Cancellarii* do make their report to-morrow morning of the examinations by them taken touching the Lord Chancellor; and the clerk to produce the examinations in that cause taken in court, to the end their lordships may give the Lord Chancellor such particulars of his charge as their lordships shall judge fit.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit presens Parliamentum continuandum esse usque in diem crastinum, videlicet, decimum nonum diem Aprilis, Dominis sic decernentibus.

19th April.

Die Jovis, videlicet, 19° die Aprilis, Domini tam spirituales quam temporales, quorum nomina subscribuntur, presentes fuerunt:

p. Carolus Princeps Walliæ, etc.

Archiepus. Cant.
p. Archiepus. Eborum.
Epus. London.
p. Jac. Ley, Miles et Bar. Da. Capit. Justic. Locum tenens, &c.

The Earl of Arundel shewed, that (according to the order of the house, 27 Martii) his lordship and the other lords joined in committee with him, have examined divers, *in causa Domini Cancellarii*. The which examination he delivered unto Mr. Baron Denham, who attended the lords of that committee.

The Earl of Huntingdon declared, that his lordship, and the other lords joined in committee with him, had also examined divers touching the same cause; the which examinations his lordship delivered unto Mr. Serjeant Crewe, who attended the lords of that committee.

The Earl of Southampton declared, that his lordship, and the other lords joined in committee with him, had also taken divers examinations touching the same cause; the which his lordship delivered to Mr. Attorney General.

Mr. Baron Denham (coming to the clerk's table) stood and read the examination taken by the Earl of Arundel, and the lords joined with his lordship, viz. the examinations of

Sir George Hastings, knt.
Sir Richard Yonge, knt.
Bevis Thelwall.
Sir William Bronker, knt.

Mr. Serjeant Crewe, in like manner, read the examinations taken by the Earl of Huntingdon, and the lords joined with his lordship, viz.

The examination of Christopher Awbrey.

A letter written by Christopher Awbrey to the Lord Chancellor, dated 22nd Nov. 1619.

One letter written by him to the Lord Chancellor, dated the 21st of June, 1620; and one other letter written by him to the Lord Chancellor, dated 19th July, 1620.

The examinations of Ralph Merefill, Scrivener, and Tristram Woodward.

Mr. Attorney General, in like manner, read first the brief of the examinations taken by the Earl of Southampton, and the lords joined with his lordship; and then the examinations, viz. of

Sir Rowland Egerton, knt.
The Lady Dorothee Wharton.
Richard Keeling.
Anthony Gardiner.
Sir Thomas Perient, knt.
Sir Henry Elmes, knt.
Sir Edward Fisher, knt.
James Kennedy.
Peter Vanlor.
John Churchill.
Sir Ralph Hansby, knt.
William Compton.
Robert Johnson, Alderman of London.
Samuel Jones.
Sir Thomas Midleton, knt.
John Bunbury.
John Kellet.
Gabriel Sheriff.
Richard Scott.
John Childe.
Henry Ashton.
Thomas Hasellwood.
Ralph More.
Thomas Knight.
Robert Bell.
William Spight.
Richard Peacock.

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These letters and orders were also read, viz.

One letter, dated the 14th March, 1618, written by the Lord Chancellor to the company of Vintners.

An order made by the Lord Chancellor to relieve the English merchants of Vintners, dated 20th April.

Order of reference by the Lord Chancellor to Sir Thomas Love, dated 9th May, 1619.

Another letter of the Lord Chancellor to the Vintners, dated 9th June, 1619.

These examinations being read, the Earl of Southampton signified, that Sir Thomas Smith, knt. being to be examined in this business of the vintners, is sick of the gout. His lordship also declared, that his lordship, and the lords committees joined with him, have heard a public fame and report, how that the Lord Chancellor, having ordered matters in open court, did afterwards alter and reverse the same orders upon petitions; that their lordships, in the time of this cessation, being desirous to know the truth thereof, sent for the registers of the Chancery (who then were in the country); and now, upon their return, they have, upon search, found out some such orders, altered and reversed upon petitions, and required a longer time to search for more; and then the said registers will give their lordships more full satisfaction therein. The which was generally approved of by the house.

The clerk read the examinations taken here in open court:

In causa Domini Cancellarii, viz. of

John Hunt.	James Rolph.
Edward Shereborne.	Robert Barker.
Sir George Renell.	Thomas Mewtas.
William Peacock.	

It was agreed, that, forasmuch as these examinations were taken by three several committees, and some were taken here in the house, and the examinations of the one spake of some of the same things taken by the other; that the three committees do meet together (attended by the King's counsel) to make one brief of all these examinations.

Agreed also, that the three committees, *in causa Domini Cancellarii*, do continue to receive complaints, and take examinations in the same cause; and that their lordships meet this afternoon, in the Little Committee Chamber, after the conference with the Commons.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit præsens Parliamentum continuandum esse usque in diem Martis, videlicet, 24^{m} instantis Aprilis, Dominis sic decernentibus.

April 20.

To the King.

It may please your most excellent majesty,—I think myself infinitely bounden to your majesty, for vouchsafing me access to your royal person, and to touch the hem of your garment. I see your majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your majesty imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majesty's grace and mercy, and next to my lords, I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which when I shall receive, I shall, without fig leaves or disguise, excuse what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majesty's grace, I rest.

April 20, 1621.

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24th April.

Die Martis, videlicet, 24° die Aprilis, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentes fuerunt:

Præsens Rex.	p. Carolus Princeps Walliæ, &c.
p. Archiepus. Cant.	p. Jac. Ley, Miles et Bar. Ds.
p. Archiepus. Eborum.	Capit. Justic. locum tenens,
Epus. London.	&c.

The Lords sitting in their robes, and the Lord Chief Justice in the place of the Lord Chancellor, expecting his majesty's coming into the Parliament house, the Earl of Oxon (Lord Great Chamberlain of England) and the Earl of Essex, who carried the sword, coming before, the King entered; and his majesty being placed in his chair, under the cloth of estate, was pleased to make a gracious speech unto their lordships.

As touching the complaints of grievances, his majesty commended the complaint of all public grievances, protesting that he will prefer no person whomsoever before the public good. And his majesty was pleased to put the lords in mind of their ancient orders of this house, in hearing the complaints in the examinations, and their manner to give judgment thereupon; and advised them to entertain nothing (the time being precious), which was not material and weighty.

And whereas many complaints are already made against courts of judicature, which are in examination, and are to be proceeded upon by the lords; his majesty will add some, which he thinks fit to be also complained of, and redressed, viz. That no orders be made but in public court, and not in chambers; that excessive fees be taken away; that no bribery nor money be given for the hearing of any cause. These and many other things his majesty thought fit to be done this session. And his majesty added, that when he hath done this, and all that he can do for the good of his subjects, he confesseth he hath done but the duty whereunto he was born.

Post meridiem.—The Prince his highness signified unto the Lords, that the Lord Chancellor had sent a submission unto their lordships, the which was presently read. It follows, *in hæc verba:*

" To the Right Honourable the Lords of Parliament, in the Upper House assembled.

" The humble Submission and Supplication of the Lord Chancellor.

" It may please your lordships, I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write. For words that come from wasted spirits, and an oppressed mind, are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

" This being moved, and, as I hope, obtained, in the nature of a protection to all that I shall say, I shall now make into the rest of that wherewith I shall at this time trouble your lordships a very strange entrance. For, in the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

" The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness, which (in few words) is the beginning of a golden world. The next, that, after this example, it is like that judges will fly from any thing that is in the likeness of corruption (though it were at a great distance) as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour. And in these two points, God is my witness, that, though it be my fortune to be the anvil upon which these good effects are beaten and wrought, I take no small comfort.

" But, to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges, under God and his lieutenant, I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification instead of all

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other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job, in these words: I have not hid my sin as did Adam, nor concealed my faults in my bosom. This is the only justification which I will use.

"It resteth, therefore, that without fig-leaves, I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling those particulars, which I think may fall off,

"*Quid te exemta juvat spinis de pluribus una?*

Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses; neither will I represent unto your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of your own noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

"And now that I have spoken to your lordships as judges, I shall say a few words to you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

"Your lordships are not simple judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if your lordships be not tied by the ordinary course of courts or precedents, in points of strictness and severity, much more in points of mercy and mitigation.

"And yet, if any thing which I shall move might be contrary to your honourable and worthy ends to introduce a reformation, I should not seek it. But herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general; not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, by the intercession of some principal persons of the senate, was spared; whereupon Livy maketh this grave and gracious observation: *Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.* The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius: and the same reason is of the reformation of justice; for the questioning of men of eminent place hath the same terror, though not the same rigour with the punishment.

"But my case standeth not there. For my humble desire is, that his majesty would take the seal into his hands, which is a great downfall; and may serve, I hope, in itself for an expiation of my faults. Therefore, if mercy and mitigation be in your power, and do no ways cross your ends, why should I not hope of your lordships' favour and commiseration?

"Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your lordships will remember that there sat not these hundred years before a prince in your house; and never such a prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice: yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of Him that would not break the bruised reed, nor quench smoking flax. You all sit upon one high stage; and therefore cannot but be more sensible of the changes of the world, and of the fall of any of high place. Neither will your lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power of the pool of Bethesda; for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

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"Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightening before the death of them, but rather a spark of that grace, which now in the conclusion will more appear.

"And therefore my humble suit to your lordships is, that my penitent submission may be my sentence, and the loss of the seal my punishment; and that your lordships will spare any further sentence, but recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be amongst you. Your Lordships' humble servant and suppliant,

April 22, 1621. "Fr. St. Alban, Canc."

The which submission being read, first by the clerk, and afterwards repeated by the Lord Chief Justice; the house was adjourned *ad libitum*, to the end, the whole house being a committee, it might be the better debated, whether the said submission were a sufficient confession for the lords to ground their censure on.

Their lordships being all agreed that the Lord Chancellor's submission gave not satisfaction to their lordships, for that his lordship's confession therein was not fully nor particularly set down, and for many other exceptions against the submission itself, the same in sort extenuating his confession, and his lordship seeming to prescribe the sentence to be given against him by the house; their lordships resolved, that the Lord Chancellor should be charged particularly with the briberies and corruptions complained of against him, and that his lordship should make a particular answer thereunto; but whether his lordship shall be brought to the bar, to hear the charge, or that, respect being had to his person (as yet having the King's great seal), the charge shall be sent unto his lordship in writing, it was much debated.

And the Lord Chief Justice returning to the Lord Chancellor's place, his lordship put it to the question, viz. whether the charge shall be sent to the Lord Chancellor in writing, or the Lord Chancellor brought to the bar, to hear the same; and agreed, by most voices, the charge to be sent to his lordship.

Memorandum, That during the time the whole house was a committee, the collections of corruptions charged upon the Lord Chancellor, and the proofs thereof made by the three committees according to the order of the 19th April instant, was read by Mr. Attorney General.

And the said collection (without the proofs) was now first read by Mr. Attorney, and then sent to the Lord Chancellor by Mr. Baron Denham, and him the said Attorney General, with this message from their lordships: That the Lord Chancellor's confession is not fully set down by his lordship in the said submission, for three causes: 1. His lordship confesseth not any particular bribe nor corruption. 2. Nor sheweth how his lordship heard of the charge thereof. 3. The confession, such as it is, is afterwards extenuated in the same submission; and therefore the lords have sent him a particular of the charge, and do expect his answer to the same with all convenient expedition.

Here followeth the said collection, viz. Corruptions charged upon the Lord Chancellor, with the proofs thereof.

1. In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor.

He received from Edward Egerton, in the said cause, four hundred pounds; proved by the depositions of Sir Richard Yonge, knight, Sir George Hastings, knight, Rolphe Merefeild, and Tristram Woodward.

2. In the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, a fortnight after the cause was ended; proved by the depositions of Sir Thomas Perient, knight, and John Churchill, who speaks of a greater value, by the report of Hody.

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3. In the cause between the Lady Wharton, and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds; proved by the depositions of the Lady Wharton, Richard Keeling, and Anthony Gardiner.

4. In Sir Thomas Muncke's cause, he received from Sir Thomas, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit; proved by the deposition of Sir Henry Helmes.

5. In the cause between Sir John Trevor and Ascue, he received, on the part of Sir John Trevor, an hundred pounds, proved by the depositions of Richard Keeling.

6. In the cause between Holman and Yong, he received of Yong an hundred pounds, after the decree made for him; proved by the depositions of Richard Keeling.

7. In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by the advice of Mr. Shute; proved by the deposition of Sir Edward Fisher.

8. In the cause between Kennedey and Vanlore, he received from Kennedey a rich cabinet, valued at eight hundred pounds; proved by the deposition of James Kennedey.

9. He borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man; proved by the depositions of Peter Vanlore.

10. He received of Richard Scott two hundred pounds after his cause was ended; but, upon a precedent promise, all which was transacted by Mr. Shute; proved by the deposition of Richard Scott.

He received, in the same cause, on Sir John Lenthall's part, a hundred pounds; proved by the deposition of Edward Shereborne.

11. He received of Mr. Wroth a hundred pounds, in respect of the cause between him and Sir Arthur Mainewaring; proved by the depositions of John Churchill and John Hunt.

12. He received of Sir Ralph Hansby, having a cause depending before him, five hundred pounds; proved by the depositions of Sir Ralph Hansby.

13. William Counton, being to have an extent for a debt of twelve hundred pounds, the Lord Chancellor staid it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day; the Lord Chancellor hereupon sends to borrow five hundred pounds; and, because Counton was to pay to one Huxley four hundred pounds, his lordship requires Huxley to forbear it for six months, and thereupon obtains the money from Counton. The money being unpaid, suit grows between Huxley and Counton in Chancery, where his lordship decrees Counton to pay Huxley the debt, with damages and costs, where it was in his own hands; proved by the depositions of William Counton.

14. In the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds; proved by the depositions of Christopher Awbrey, Sir George Hastings, and the letters to the Lord Chancellor from Awbrey.

15. In the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds, and more was to be paid at the ending of the cause; proved by the depositions of Bevis Thelwall.

16. In the cause of Mr. Dunch, he received from Mr. Dunch two hundred pounds; proved by the depositions of Bevis Thelwall.

17. In the cause between Reynell and Peacock, the Lord Chancellor received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds; proved by the depositions of John Hunt and Sir George Reynell.

He took of Peacock an hundred pounds, and borrowed a thousand pounds, without security, interest, or time of re-payment; proved by the depositions of William Peacock and James Rolf.

18. In the cause between Smithwick and Wych, he received from Smithwick

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two hundred pounds, which was repaid; proved by the depositions of John Hunt.

19. In the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much; proved by the depositions of John Hunt.

20. In the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds; proved by the depositions of Robert Barker and Edward Shereburne.

21. There being a reference from his majesty to his lordship of a business between the Grocers and Apothecaries of London, he received of the Grocers two hundred pounds; proved by the depositions of Sir Thomas Midleton, Alderman Johnson, and John Bunbury.

He received in the same cause of the Apothecaries, that stood with the Grocers, a taster of gold, worth between forty or fifty pounds, together with a present of ambergrease; proved by the depositions of Sir Thomas Midleton and Samuel Jones.

He received of the new company of Apothecaries, that stood against the Grocers, an hundred pounds; proved by the depositions of John Kellet and Gabriel Sheriff.

22. He took of the French merchants a thousand pounds, to constrain the Vintners of London to take from them fifteen hundred tuns of wine; proved by the depositions of Robert Bell, William Spright, and Richard Peacock. To accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need nor use, at higher rates than they were vendible; proved by the depositions of John Child, Henry Ashton, Thomas Haselfote, Raphe Moore, Thomas Knight, and his own letters and orders.

23. The Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and likewise for sealing of injunctions, and otherwise; proved by the depositions of Thomas Manwood and Richard Keeling.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit præsens Parliamentum continuandum esse usque in diem crastinum, viz. 25^{m} diem instantis Aprilis, hora 2^{a} post meridiem, Dominis sic decernentibus.

25th April.

Die Mercurii, viz. 25° die Aprilis, post meridiem, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentes fuerunt:

p. Carolus, Princeps Walliæ, &c.

Mr. Baron Denham and Mr. Attorney General reported, that they did yesterday (according to the direction of the house), deliver unto the Lord Chancellor the charge of his lordship's corruption, &c. in writing, and required his lordship's answer, who said he would return the lords an answer. Memorandum, that the Lord Chief Justice received a letter from the Lord Chancellor, directed thus: "Unto Sir James Ley, Knight, Lord Chief Justice of the King's Bench, and supplying the place of the Lord Chancellor in parliament by commission." Of which letter the lords would take no notice, because it was directed to the Lord Chief Justice, and not to the house.

And the Earl of Southampton moved, that the house be not concluded with this answer returned from the Lord Chancellor, viz. that he will return answer with speed, but to require and receive a direct answer from his own mouth. And it was much argued amongst the lords, in what manner this shall be done, whether here at the bar, or no; for the freer discussing whereof, the house was adjourned *ad libitum*.

Their lordships being resolved thereof, the Lord Chief Justice returned to the place of the Lord Chancellor; and then their lordships agreed to send a message unto the Lord Chancellor to this effect, by Mr. Baron Denham and Mr. Attorney General, viz. The lords have received a doubtful answer unto the message their lordships sent him yesterday; and therefore they now send to him again, to

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know of his lordship, directly and presently, whether his lordship will make his confession, or stand upon his defence.

Answer returned by the said messengers: The Lord Chancellor will make no manner of defence to the charge; but meaneth to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission. But humbly craves liberty, that where the charge is more full than he finds the truth of the fact, he may make declaration of the truth in such particulars, the charge being brief, and containing not all circumstances.

The lords sent the same messengers back again unto the Lord Chancellor, to let his lordship know, that their lordships had granted him time until Monday next, the thirtieth of this April, ten in the morning, to send such confession and submission as his lordship intends to make.

The Lord Treasurer made report of the conference yesterday with the Commons, touching Sir John Bennett; the effect whereof was, that whereas the said Sir John Bennett, Knight, Judge of the Prerogative Court of Canterbury, being directed by the law both what to do, and what fees to take, he did both contrary to the law, exacting extreme and great fees, and much bribery; some complaints against him were opened, with a request of the Commons, that they might send up more against him hereafter, if any came unto them.

26th April.

Answer returned this day, from the Lord Chancellor, by Mr. Baron Denham and Mr. Attorney General: That yesterday they signified unto the Lord Chancellor, that the lords have (at his lordship's request) granted him Monday next to send such confession and submission as he intends to make. Unto which the Lord Chancellor answered, "He will do it."

30th April.

The Lord Chief Justice signified unto the lords, that he received a letter from the Lord Chancellor, the which was read, viz.

"It may please your Lordships,—Whereas I received this morning your lordship's order for a writ of summons to parliament to the now Earl of Hertford, so it is, that upon Thursday night late, I received an absolute commandment, under his majesty's royal signature, to stay the writ until I receive his majesty's further pleasure therein; with a clause, warranting me to give knowledge of this his majesty's commandment, if such a writ were required.

"Your Lordship's humble servant, FR. ST. ALBAN, Canc.

"York House, 26th April, 1621."

Directed "To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled."

The Lord Chief Justice also signified, that he had received from the Lord Chancellor a paper roll, sealed up, which was delivered to the clerk; and being opened, and found directed to their lordships, it was also read, which follows, *in hæc verba*:

"To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled.

"The Confession and humble Submission of me, the Lord Chancellor.

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess, that I am guilty of corruption, and do renounce all defence, and put myself upon the grace and mercy of your lordships.

"The particulars I confess and declare to be as followeth:

"1. To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do confess and declare, that upon a reference from his majesty, of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both

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parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made, which is mentioned in the article.

"2. To the second article of the charge, viz. in the same cause, he received from Edward Egerton four hundred pounds: I confess and declare, that, soon after my first coming to the seal (being a time when I was presented by many), the four hundred pounds mentioned in the charge was delivered unto me in a purse, and I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect to favours to come.

"3. To the third article of the charge, viz. in the cause between Hodie and Hodye, he received a dozen of buttons, of the value of fifty pounds, about a fortnight after the cause was ended: I confess and declare, that, as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance), there were gold buttons about the value of fifty pounds, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

"4. To the fourth article of the charge, viz. in the cause between the Lady Wharton and the co-heirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds: I confess and declare, that I received of the Lady Wharton, at two several times (as I remember) in gold, two hundred pounds and an hundred pieces, and this was certainly *pendente lite;* but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register, in entering some orders, which afterwards I did distaste.

"5. To the fifth article of the charge, viz. in Sir Thomas Moncke's cause, he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit was ended: I confess it to be true, that I received an hundred pieces; but it was long after the suit ended, as is contained in the charge.

"6. To the sixth article of the charge, viz. in the cause between Sir John Treavor and Ascue, he received, on the part of Sir John Treavor, an hundred pounds: I confess and declare, that I received at New Year's-tide an hundred pounds from Sir John Treavor; and because it came as a New Year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite.*

"7. To the seventh article of the charge, viz. in the cause between Holman and Yonge, he received of Yonge an hundred pounds, after the decree made for him: I confess and declare, that, as I remember, a good while after the cause ended, I received an hundred pounds, either by Mr. Tobye Mathew, or from Yonge himself; but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy.

"8. To the eighth article of the charge, viz. in the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute: I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house; as some others that were no way suitors did present me the like about that time.

"9. To the ninth article of the charge, viz. in the cause between Kenneday and Vanlore, he received a rich cabinet from Kenneday, prised at eight hundred

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pounds: I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not; and some year and an half after, as I remember, Sir John Kenneday having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney, that it might be delivered to him, for that he stood engaged for the money that Sir John Kenneday paid for it. And thereupon Sir John Kenneday wrote a letter to my servant Shereborne with his own hand, desiring that I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand; and so it remains yet ready to be returned to whom your lordships shall appoint.

" 10. To the tenth article of the charge, viz. he borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man: I confess and declare that I borrowed the money in the article set down; and that this is a true debt. And I remember well that I wrote a letter from Kew, above a twelvemonth since, to a friend about the King, wherein I desired that, whereas I owed Peter Vanlore two thousand pounds, his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

" 11. To the eleventh article of the charge, viz. he received of Richard Scott two hundred pounds, after his cause was decreed (but upon a precedent promise), all which was transacted by Mr. Shute: I confess and declare, that some fortnight after, as I remember that the decree passed, I received two hundred pounds, as from Mr. Scott, by Mr. Shute; but, for any precedent promise or transaction by Mr. Shute, certain I am I knew of none.

" 12. To the twelfth article of the charge, viz. he received in the same cause, on the part of Sir John Lentall, an hundred pounds: I confess and declare, that some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre.

" 13. To the thirteenth article of the charge, viz. he received of Mr. Wroth an hundred pounds, in respect of the cause between him and Sir Arthur Mayneware: I confess and declare, that this cause, being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some month after the cause thus ended, the hundred pounds mentioned in the article was delivered to me by my servant Hunt.

" 14. To the fourteenth article of the charge, viz. he received of Sir Raphe Hansby, having a cause depending before him, five hundred pounds: I confess and declare, that there were two decrees, one, as I remember, for the inheritance, and the other for goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds were delivered me by Mr. Tobye Mathew, so as I cannot deny but it was upon the matter, *pendente lite*.

" 15. To the fifteenth article of the charge, viz. William Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands: I declare, that in my conscience, the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to intreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and, therefore,

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though I were not ready to pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But, if Compton hath been damnified in my respect, I am to consider it to Compton.

" 16. To the sixteenth article of the charge, viz. in the cause between Sir William Bruncker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds: I do confess and declare, that the money was given and received; but the manner of it I leave to the witnesses.

" 17. To the seventeenth article of the charge, viz. in the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause: I confess and declare, there was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed; but I cannot say it was ended, for there have been many orders since, caused by Sir Frauncis Englefeild's contempts; and I do remember that, when Thelwall brought the money, he said, that my lord would be further thankful if he could once get his quiet; to which speech I gave little regard.

" 18. To the eighteenth article of the charge, viz. in the cause of Mr. Dunch, he received of Mr. Dunch two hundred pounds: I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time.

" 19. To the nineteenth article of the charge, viz. in the cause between Reynell and Peacock, he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds: I confess and declare, that, at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds, from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly *pendente lite;* and, though it were at New year's-tide, yet it was too great a value for a New year's gift, though, as I take it, nothing near the value mentioned in the article.

" 20. To the twentieth article of the charge, viz. he took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment: I confess and declare, that I received of Mr. Peacock an hundred pounds at Dorset House, at my first coming to the seal, as a present; at which time no suit was begun; and that, the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour, at St. Albans, to use his means with Mr. Peacock (who was accounted a monied man), for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more, which Mr. Rolf procured, and told me, at both times, that it should be without interest, script, or note; and that I should take my own time for payment of it.

" 21. To the one and twentieth article of the charge, viz. in the cause between Smithwick and Wyche, he received from Smithwicke two hundred pounds, which was repaid: I confess and declare, that my servant Hunt did, upon his accompt, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick, which after that I had understood the nature of it, I ordered him to repay it, and to defaulk it of his accompt.

" 22. To the two and twentieth article of the charge, viz. in the cause of Sir Henry Ruswell, he received money from Ruswell; but it is not certain how much: I confess and declare, that I received money from my servant Hunt, as from Mr. Ruswell, in a purse; and, whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed, in which decree I was assisted by two of the judges.

" 23. To the three and twentieth article of the charge; viz. in the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds:

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I confess and declare that the money mentioned in the article was received from Mr. Barker, some time after the decree passed.

" 24. To the four and twentieth article, five and twentieth, and six and twentieth articles of the charge, viz. the four and twentieth, there being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers two hundred pounds. The five and twentieth article: in the same cause, he received of the Apothecaries that stood with the Grocers, a taster of gold, worth between forty and fifty pounds, and a present of ambergrease. And the six and twentieth article: he received of the New Company of the Apothecaries that stood against the Grocers, an hundred pounds: To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord, or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented: for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to accompt to the three several companies.

" 27. To the seven and twentieth article of the charge: viz. he took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tons of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need or use, at higher rates than they were vendible: I do confess and declare, that Sir Thomas Smith did deal with me in the behalf of the French company; informing me, that the vintners, by combination, would not take off their wines at any reasonable prices. That it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travel in it; whereupon I treated between them, by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers six pounds a ton, as it was then maintained to me; and after, the merchants petitioning to the King, and his majesty recommending the business unto me, as a business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messengers' hands for a day or two some that were the more stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

" 28. To the eight and twentieth article of the charge; viz. the Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions: I confess, it was a great fault of neglect in me, that I looked no better to my servants.

" This declaration I have made to your lordships with a sincere mind; humbly craving, that if there should be any mistaking, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth, or palliate any thing: for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

" For extenuation, I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the apostle saith, that covetousness is the root of all evil. I hope also, that your lordships do the rather find me in the state of grace; for that, in all these particulars, there are few or none that are not almost two years old, whereas those that have an habit of corruption do commonly wax worse and

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worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

"And so, fearing I have troubled your lordships too long, I shall conclude with an humble suit unto you, that if your lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixed with mercy; and not only so, but that you would be noble intercessors for me to his majesty likewise, for his grace and favour.

"Your Lordships' humble servant and suppliant,

"Fr. St. Alban, Canc."

This confession and submission being read, it was agreed that the lords here under named do go unto the Lord Chancellor, and shew him the said confession; to tell him, that the lords do conceive it to be an ingenuous and full confession; and to demand of him, whether it be his own hand that is subscribed to the same, and whether he will stand unto it or no, viz.

L. Chamberlain.	L. Bp. of Winton.	L. Sheffeild.
E. of Arundel.	L. Bp. of Co. and Lich.	L. North.
E. of Southampton.	L. Wentworth.	L. Chandois.
L. Bp. of Duresme.	L. Cromwell.	L. Hunsdon.

Their lordships being returned, reported, that they shewed the said confession unto the Lord Chancellor, and told him, that your lordships do conceive the same to be ingenuous and full, and demanded of his lordship whether it were his hand that is subscribed thereunto; who answered, "My lords, it is my act, my hand, my heart. I beseech your lordships, be merciful unto a broken reed." Which being reported to the house, it was agreed by the house, to move his majesty to sequester the seal; and that the lords intreated the Prince his highness, that he would be pleased to move the King's majesty therein; whereunto his highness condescended; and the same lords that went to take the acknowledgment of the Lord Chancellor's hand were appointed to attend the Prince to the King, with some other lords added.

The Prince his highness reported unto the lords, that according to the request made unto him this morning by the house, himself, accompanied with the lords appointed to attend his highness, did move the King's majesty to sequester the great seal from the Lord Chancellor, whereunto his majesty most willingly yielded, and said he would have done it, if he had not been moved therein.

2nd May.

Die Mercurii, videlicet, 2° die Maii, post meridiem, Domini tam spirituales quam temporales, quorum nomina subscribuntur, præsentes fuerunt.

The prince his highness presented their lordships' suit to his majesty, that he would be pleased, as the case stood, to command the seal from the Lord Chancellor. That yesterday his lordship, the Lord Steward, the Lord Chamberlain, and the Earl of Arundel, at the King's command, went to the Lord Chancellor, and received from him the great seal, and delivered the same unto his majesty; who, by commission, hath committed the same to the keeping of them, the Lord Treasurer, Lord Steward, Lord Chamberlain, and the Earl of Arundel.

Agreed, to proceed to sentence the Lord Chancellor to-morrow morning; wherefore the gentleman usher and the serjeant at arms, attendants on this house were commanded to go and summon him the Lord Chancellor to appear here in person to-morrow morning, by nine of the clock; and the serjeant was commanded to take his mace with him, and to shew it unto his lordship at the said summons.

See Blackburn, page 143, for the account of the attendance of the commissioners upon the Chancellor to receive the great seal.

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To the King's most excellent Majesty.

It may please your Majesty,—It hath pleased God, for these three days past, to visit me with such extremity of headach, upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation; and then the little physic that I have told me that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever and sudden death; which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care of my business, and therein prostrate myself again, by my letter, at your majesty's feet.

Your majesty can bear me witness, that at my last so comfortable access, I did not so much as move your majesty, by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the house; and, according to my own desire, your majesty left it to the sentence of the house, and it was reported by my Lord Treasurer.

But now, if not *per omnipotentiam*, as the divines speak, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the house, and that cup may pass from me, it is the utmost of my desires. This I move with the more belief, because I assure myself that if it be reformation that is sought, the very taking away the seal, upon my general submission, will be as much in example, for this four hundred years, as any farther severities.

The means of this I most humbly leave unto your majesty. But surely I conceive, that your majesty opening yourself in this kind to the lords counsellors, and a motion from the prince, after my submission, and my lord marquis using his interest with his friends in the house, may effect the sparing of a sentence, I making my humble suit to the house for that purpose, joined with the delivery up of the seal into your majesty's hands. This is my last suit that I shall make to your majesty in this business, prostrating myself at your mercy seat, after fifteen years service, wherein I have served your majesty in my poor endeavours, with an entire heart. And, as I presume to say unto your majesty, am still a virgin, for matters that concern your person or crown, and now only craving, that after eight steps of honour, I be not precipitated altogether.

But because he that hath taken bribes is apt to give bribes, I will go further, and present your majesty with bribe; for if your majesty give me peace and leisure, and God give me life, I will present you with a good history of England and a better digest of your laws. And so concluding with my prayers, I rest clay in your majesty's hands. FR. ST. ALBAN.

2nd May, 1621.

[From the Tract.]

Jovis, 3 Maii, 1621.—A message from the Lords, that they were ready to pronounce sentence against the late Lord Chancellor, if it please the house, with the Speaker, to come and demand judgment.

So the house went up, and the Speaker demanded judgment.

The Lord Chief Justice being Speaker in the higher house) said, that the Lords had duly considered of the complaints presented by the Commons against the Lord Verulam, Viscount St. Albans, late Lord Chancellor, and have found him guilty, as well by oath of witnesses, as by his own confession, of those and many other corruptions, for which they have sent for him to come and answer: and upon his sincere protestation of sickness, we admitting his excuse of absence, have yet notwithstanding proceeded to his judgment, viz. That he be fined 40,000*l.* to be imprisoned in the Tower during the King's pleasure, made incapable to bear office in the commonwealth, never to sit in parliament, nor to come within the verge, which is within twelve miles of the court.

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The humble Submission and Supplication of the Lord Chancellor Bacon to the House of Lords.

May it please your Lordships,—I shall humbly crave at your hands a benign interpretation of that which I shall now write; for words that come from wasted spirits and oppressed minds are more safe in being deposited to a noble construction, than being circled with any reserved caution.

This being moved (and, as I hope, obtained of your lordships) as a protection to all that I shall say, I shall go on; but with a very strange entrance, as may seem to your lordships, at first; for, in the midst of a state of as great affliction as, I think, a mortal man can endure (honour being above life); I shall begin with the professing of gladness in some things.

The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection to him against guiltiness, which is the beginning of a golden work.

The next, that after this example, it is like that judges will fly from any thing in the likeness of corruption (though it were at a great distance) as from a serpent; which tends to the purging of the courts of justice, and reducing them to their true honour and splendour. And in these two points (God is my witness) though it be my fortune to be the anvil upon which these two effects are broken and wrought, I take no small comfort. But to pass from the motions of my heart (whereof God is my judge) to the merits of my cause, whereof your lordships are judges, under God and his lieutenant; I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification, instead of all others, out of the justification of Job. For after the clear submission and confession which I shall now make unto your lordships, I hope I may say, and justify with Job, in these words, I have not hid my sin, as did Adam, nor concealed my faults in my bosom. This is the only justification which I will use.

It resteth, therefore, that without fig-leaves, I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert my defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling these particulars, which I think might fall off. *Quid te exempta juvat spinis de pluribus uva?* Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruple touching the credits of the witnesses; neither will I represent to your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time and manner of the guilt, or the like circumstances; but only leave these things to spring out of your more noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

And now I have spoken to your lordships as judges, I shall say a few words unto you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

Your lordships are not simply judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if you be not tied by ordinary course of courts or precedents, in points of strictness and severity much less in points of mercy and mitigation: and yet, if any thing which I shall move might be contrary to your honourable and worthy end (the introducing a reformation), I should not seek it. But herein I beseech your lordships to give me leave to tell you a story.

Titus Manlius took his son's life for giving battle against the prohibition of his general: not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, was, by the intercession of some particular persons of the senate, spared; whereupon Livy maketh this grave and gracious observation, *Neque*

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minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii. The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius. And the same reason is in the reformation of justice; for the questioning of men in eminent places hath the same terror, though not the same rigour with the punishment. But my cause stays not there; for my humble desire is, that his majesty would take the seal into his hands, which is a great downfall, and may serve, I hope, in itself for an expiation of my faults.

Therefore, if mercy and mitigation be in your lordships' power, and no way cross your ends, why should I not hope of your favour and commiseration? Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness; and your lordships will remember, there sate not these hundred years before a prince in your house, and never such a prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice. Yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of him that would not break the bruised reed, nor quench the smoking flax. You all sit upon a high stage, and therefore cannot but be sensible of the change of human conditions, and of the fall of any from high place.

Neither will your lordships forget that there are *vitia temporis*, as well as *vitia hominis*, and the beginning of reformation hath the contrary power to the pool of Bethesda; for that had strength to cure him only that was first cast in, and this hath strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightning before the death of them, but rather a spark of that grace, which now in the conclusion will more appear: and therefore my humble suit to your lordships is, that my penitent submission may be my sentence, the loss of the seal my punishment, and that your lordships would recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be among you.

[From the Journals.]

Die Jovis, videlicet, 3° die Maii, Domini tam spirituales quam temporales, quorum nomina subscribuntur, præsentes fuerunt:

p. Carolus Princeps Walliæ, etc.
p. Archiepus. Cant. — p. Jac. Ley, Miles et Bar. Ds.
p. Archiepus. Eborum. — Capit. Justic. Locum tenens.

The gentleman usher and the serjeant at arms attending this house reported, that (according to the appointment of their lordships yesterday) they repaired last night unto the Lord Chancellor, whom they found sick in bed; and they signified unto him their lordships' pleasure; and said they were sent to summon him to appear here before their lordships this morning, by nine of the clock; who answered, that he is sick, and protested he feigned not this for an excuse; for, if he had been well, he would willingly have come.

The lords resolved to proceed notwithstanding against the Lord Chancellor; and the King's Attorney having read the charge and confession, it was put to the question whether the Lord Chancellor be guilty of the matters wherewith he is charged or no; and it was agreed by all, *nemine dissentiente*, that he was thereof guilty.

And, to the end the lords might the more freely dispute and resolve what sentence to pass upon the Lord Chancellor for his said offences, the court was adjourned *ad libitum*.

The house being resumed, and the Lord Chief Justice returned to his place, it was put to the question, whether the Lord Viscount St. Alban (Lord Chan-

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cellor) shall be suspended of all his titles of nobility during his life, or no; and it was agreed *per plures*, that he should not be suspended thereof.

The lords having agreed upon the sentence to be given against the Lord Chancellor, did send a message to the House of Commons, by Mr. Serjeant Crewe and Mr. Serjeant Hitcham, that the lords are ready to give judgment against the Lord Viscount St. Alban, Lord Chancellor, if they, with their Speaker, will come to demand it.

In the mean time the lords put on their robes; and answer being returned of this message, and the Commons come, the Speaker came to the bar, and making three low obeisances, said, "The knights, citizens, and burgesses of the Commons' house of parliament have made complaint unto your lordships of many exorbitant offences of bribery and corruption committed by the Lord Chancellor. We understand that your lordships are ready to give judgment upon him for the same. Wherefore I, their Speaker, in their name, do humbly demand and pray judgment against him the Lord Chancellor, as the nature of his offence and demerits do require."

The Lord Chief Justice answered: "Mr. Speaker, upon the complaint of the Commons, against the Lord Viscount St. Alban, Lord Chancellor, this high court hath thereby, and by his own confession, found him guilty of the crimes and corruptions complained of by the Commons, and of sundry other crimes and corruptions of like nature.

"And therefore this high court, having first summoned him to attend, and having received his excuse of not attending, by reason of infirmity and sickness, which he protested was not feigned, or else he would most willingly have attended, doth nevertheless think fit to proceed to judgment; and therefore this high court doth adjudge:

"1. That the Lord Viscount St. Alban, Lord Chancellor of England, shall undergo fine and ransom of forty thousand pounds.

"2. That he shall be imprisoned in the Tower during the King's pleasure.

"3. That he shall for ever be incapable of any office, place, or employment in the state or commonwealth.

"4. That he shall never sit in parliament, nor come within the verge of the court.

"This is the judgment and resolution of this high court."

The Prince his highness was entreated by the house, that accompanied with divers of the lords of this house, he would be pleased to present this sentence given against the Lord Chancellor unto his majesty. His highness was pleased to yield unto this request.

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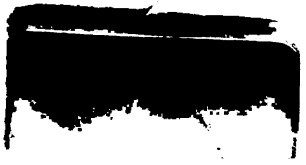

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